

# TRADE UNIONISM

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TO  
MY WIFE





## PREFACE

**T**HIS book is written as a critical essay on a subject with which the author has an intimate personal sympathy and experience. It does not profess to contain that exact information which characterizes some of the standard works on the subject ; on the other hand, it is believed that certain aspects of the problems of Trade Unionism have here received an amount of attention which is absent in the more compendious works.

INNER TEMPLE

*April, 1921*

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# TRADE UNIONISM

## CHAPTER I

### OUTLAWRY

#### EARLY HISTORY

**T**RADE unions have been defined by Act of Parliament as combinations whose principal objects are the regulation of the relations between masters and workmen, workmen and workmen, and the imposing of restrictive conditions on the conduct of business ; but such a description, though it may prove satisfactory to the lawyer, fails altogether to take into account a great many matters which are involved in any adequate consideration of trade unionism. Between such a legal definition and the opinion of Dr. Arnold that trade unions are "fearful engines of mischief, ready to riot or assassinate" (letter to Chevalier de Bunsen), there is room for considerable diversity of opinion. We may hope that a sympathetic study of the history, objects and practices of trade unionism may help us to form a dispassionate judgment.

Considerable difference of opinion exists as to the origin of trade unions. At one time it was confidently stated that trade unions were directly derived from the old guilds of the Middle Ages. This statement was principally based upon the views of Dr. Brentano and particularly upon his work on the history and development of guilds and the origin of trade unions,

and his ideas formed the historical basis of Howell's "Conflicts of Capital and Labour" and "Trade Unionism New and Old." On the other hand, Sidney and Beatrice Webb, in their "History of Trade Unionism" declare that "the supposed descent of the trade unions from guilds rests upon no basis whatever."

According to Prof. Ashley the guilds were self-governing bodies of working men ("Introduction to Economic History and Theory") while Dr. Cunningham, in his "History of Industry and Commerce," seems to regard them rather as departments of the municipality. In any event we are safe in asserting that the guilds were for the most part associations of masters rather than of workmen and therefore they cannot properly be regarded as the ancestors of existing associations of employed persons. It is in the early combinations of workers rather than of masters that the origin of trade unions must be sought.

It is a mistake to think that such combinations did not exist in mediæval times. The relations between the employers' guild and their journeymen and the fact that rudimentary mediæval trade unions existed are well shown in the record of a dispute between the master saddlers of London and their journeymen in 1396 (Guildhall, Letter Book II, f. 309), wherein it is recited that there has arisen "no small dissension and strife between the masters of the trade of saddlers in London and the serving-men (yeomen) in their trade, and avers that the serving-men were wont to hold *divers meetings*, whereby many losses to the trade ensued." The defence of the serving-men was that the meeting was in order to hear mass on the feast of the Assumption of the Blessed

Virgin, but the masters say that "under a certain feigned colour of sanctity many of the serving-men in the trade *did form covines (combinations) with the object of raising their wages* greatly in excess to such an extent that, whereas a master in the trade could have had a journeyman for 5 marks yearly and his board in the past, a man would not agree with his master for less than 10 marks or even £10 yearly, to the great deterioration of the trade." Again we find even earlier, in 1362, a complaint by masters in the weaving trade to the Mayor and Aldermen of London that "if any dispute occur between a master in the said trade and his workman, such workman was wont to go to all the workmen within the city in the said trade and *by covine and conspiracy* between them made, they would give orders that no one of them should work or submit to serve until the said master had agreed." (Gulldhall, Letter Book G, f. 93.)

References in the Statutes of Labourers, passed in consequence of the labour shortage produced by the Black Death, also show that combinations of workmen though reprehensible in the eyes of the mediæval statesmen were not unknown, and it is consequently an exaggeration to say that trade combinations of workmen were not in existence before the industrial revolution.

The various early statutes which authorized the Justices of the Peace or other authorities to fix rates of pay for workmen often also contained provisions against combinations. Thus, in the 34th year of Edward III, by an Act in which the Statute of Labourers was confirmed, all alliances and covines of masons and carpenters were rendered null and void and the members ordered to serve their masters according to the statute. We find in all over a score

of Acts of Parliament restricting the freedom of workmen to combine before we come to the Elizabethan period, and if the number of these statutes be any indication of the mischief which they sought to abolish, it would appear that trade unionism has a longer pedigree than many of the writers on the subject have been prepared to admit.

As new industries arose and the social conscience fostered by the Catholic Faith decayed, the State stepped in to correct that absence of economic morality which was a characteristic of the increasing impotence of Faith and the Church. The Elizabethan Statute of Apprentices may be regarded as an early, and almost universal, application of the principle of the statutory minimum rate, with the Justices of the Peace as Trade-Board, and it is not until that Act and the Acts following it became obsolete that working men once more began to form voluntary combinations, this time with the object of petitioning Parliament to enforce the minimum rate by statute so as to maintain their wages rather than in order to increase them by the method of the concerted withholding of labour; at the same time there arose a more direct form of action, notably in the case of the cotton workers of smashing the new machinery. (See "Annual Register," 1779.)

At the time of the passing of the Combination Act in July, 1799, when, under the influence of fears inspired very largely by the French Revolution, all concerted trade union activity was rendered illegal, there was undoubtedly a considerable interest taken in what was then generally considered by the governing class to be a peculiarly seditious and improper form of association. The mediæval quasi-religious conception of the guild was completely dead, and quite apart

from any specific fears of possible subversive tendencies which might spring from any concerted efforts on the part of associations of working men for any purpose, the whole tendency of the time was to secure for the individual that complete freedom of action, apart from restriction either of State, Religion, or Association, which was believed to be the only means of achieving the greatest good of the greatest number.

We find that this view was held at this time by the leaders of the working class themselves, though, in their case, the suspicion of external interference with the individual is directed rather against the State than against the organization of the trade union. That this should be so is curious, for many years before this epoch, as we have said, more particularly in the latter part of the eighteenth century, the activities of working men were directed to the object of securing that enforcement of those minimum rates of wages by the justices and by the State, which the Elizabethan statesmen had designed as a substitute for the almost defunct guild; and the whole labour movement, as it is now called, had been absorbed in the work of petitioning Parliament, and incidentally in rioting, for the purpose of compelling the State to renew that activity in wage-fixing which is characteristic of the sixteenth and seventeenth centuries.

The spirit of the age, however, had infected both Parliament and the Courts. The former was slow to legislate on the subject of wage-fixing, though, under pressure of disturbances, as in the case of the Spitalfield weavers (1773), they were prepared to pass Acts of Parliament for affixing rates, and the judges themselves were so imbued with the prevailing individualism that they also discouraged wage-fixing, by holding

that the Elizabethan Statute of Apprentices applied only to industries existing at the time of the passing of that Act, thus rendering the Tudor legislation nugatory. (*R. v. Justices of Kent* (1812), 14 East 395.)

It is for these reasons that there is so little to be learnt about trade unionism by giving much consideration either to the mediæval guild or to the social legislation of the early post-Reformation period. We begin the study of our subject with the period which marks the definite abandonment of the hope of the revival of such methods, and we have to realize that the industrial ideals of the working class during the earlier portion of the nineteenth century were based upon the notion of self-protection by mutual combination, unsupported by State or Statute.

#### THE PARADOX OF THE THIRTIES

The period of which we are speaking, namely, that which followed the passing of the Combination Acts, presents a notable paradox. On the one hand we find a considerable number of very small local trade organizations, among them a "sisterhood" of spinners at Leicester (1788), and on the other large and pretentious schemes for vast national trade unions for which no adequate machinery of administration existed at all.

Every town and every trade has its own society, and the trade clubs of the time, no doubt to avoid the law against combinations, are often pathetically anxious for it to be known that they are entirely innocent combinations; that their objects are those of a friendly society and in no sense those of an industrial trade union. Thus, on a prosecution in 1798 of five



printers at the Old Bailey for illegal combination, the point was taken for the defence that the men were merely members of a friendly society, but counsel for the prosecution, relying no doubt on a sympathetic hearing from the bench, thundered out "that no doubt it was called a friendly society, but by means of some wicked men among them the society degenerated into a most abominable meeting for the purpose of conspiracy." The only conspiracy suggested was that the men claimed the right to withhold their labour. We find that during this period a number of trade unions were formed under the guise of friendly societies, of which an example is to be found in the recently existing Friendly Society of Iron Founders.

This somewhat ingenuous device was commented upon in the Report on Wool Combers (House of Commons Journals, page 238 [1794]), but it is a curious instance of the futility of unpopular legislation that during the period of the Combination Acts, we find a large number of societies avowedly trade union being instituted, such as the Compositors' Society, the Cabinet Makers and several branches of the Engineering trade, Masons, Cutlery Workers, and Hatters, Coal Miners, Shoemakers, and Weavers.

—Combinations of employers were also made illegal under the 1800 Act, but in no case do they appear to have been prosecuted. This is not to say that such organizations were not formed, for we find in existence in 1814 a "Sheffield Merchants and Manufacturing Union." Prosecutions of workmen during the period from 1800 to 1824 for forming trade unions and combinations are fairly frequent. Some of them are to be found in the old reports, such as the case of *R. v. Furgerson & Edge*, "2 State Trials" (n.s.), 489; some in the columns of "The Times" newspaper

(e.g. 10 Nov., 1810). In 1811 the magistrates at Loughborough report that women lace-workers show a spirit of combination to dictate to their employers and to raise the price of wages. ("Town Labourer," J. L. and B. Hammond, p. 262). Other cases are mentioned in the report of the Government Committee on Artisans and Machinery in 1824. In 1824 and 1825, as a result of the report of this committee and an increasing confidence as to the stability of existing social institutions, due no doubt in part to the failure of the more democratic ideals of the French Revolution, the Combination Laws were revised and only such acts as constituted molestation, threats or coercion of individuals remained illegal. The combination in itself, apart from these objects was no longer criminal, though of course, being, as the legal saying is, in restraint of trade, it was still civilly unlawful at common law and remains so to this day.

We pass therefore to a period when trade unions came to be formed openly without legislative or judicial interference. Ornate ritual is a characteristic of these early unions, such as is now to be found among Freemasons' or Oddfellows' societies, and coupled with such ritual, a great care for the discipline and respectability of the organizations and its members; thus, it was provided by the Wool Staplers at this time, in their constitution that, if a member be not silent on due notice, given by the president by three distinct knocks on the table, he should be fined threepence, and if anyone interrupt another in a debate he shall be fined sixpence, and if the president misconduct himself, so as to cause uproar or confusion in the society, he is to be superseded. Wine is forbidden him but in other liquors he may make his own choice. The inherent respect for law and order among trade

unionists, which has often annoyed some of the more ardent, is of ancient origin. The Brushmakers' Union provides in 1800 that no person shall be admitted a member who is not well-affected to His present Majesty and the Protestant succession, and fines are to be levied for swearing, gambling or, oddly, enough, for disputing on politics.

Such rules of a highly moral character are almost universal in the old societies, and in order to console the publican in whose house the trade club would usually meet, minute rules as to amount of drinking to which the members are entitled are nearly always provided with a minimum as well as a maximum fixed. In 1827 a departure from the decorum of the times may be detected in a rule of the Manchester Compositors that the members should be allowed tobacco.

Care is taken as to the preservation and inviolability of the boxes in which the trade union records were deposited. As permanent officials are almost unknown special officers are continually being charged with the duty of looking after the books and other union properties. There is an almost complete absence of the characteristically modern executive Committee or legislating conference, and as has been said by Mr. and Mrs. Webb in their "Industrial Democracy," there exists a most child-like faith not only that all men are equal but also that what concerns all shall be "settled by all." (2nd Edition, p. 8.) The authors of this classic work trace the gradual supersession of this method of conducting business into an elaborate system of committees and a trained secretariat. They show in their whole attitude towards the problem that they are profoundly influenced by the dogma of Evolution, and

evidently consider that an increase of complexity in organization is in itself an indication of progress.

It will be necessary later on to consider the far-reaching effects of the almost universal adoption of the representative and administrative system on the life of trade unions, but it is important to realize that the early trade clubs, from which trade unions have developed their organizations, were so small for the most part that every member could take an active and immediate interest in its affairs, and so free from responsibility for action outside their immediate district that the practical experience of the individual, who was invariably a working tradesman, would have little or no difficulty in making itself felt.

There is of course another side to the question. The universality of legislation and the growth of trade and of the consequent magnitude of the contests between employers and workmen soon led to a great increase in the size and complexity of the trade clubs. We find the local trade clubs often affiliating with their neighbours and becoming absorbed in larger units; no doubt the word "trade union," as distinct from "trade club," denotes some such federation. These federations are at first rather loose bodies and there is great care taken in many cases to preserve the entity of the different constituent bodies; each in turn becomes the central branch and its district temporarily the seat of government.

The extremely broad construction given to the words "molestation, threats, and coercion," which words, it will be remembered, formed the basis of exemption to the general immunity conferred by the Act of 1825, resulted in a large number of convictions against trade unionists for taking part in what would now be considered to be innocent industrial action.

This judicial asperity, coupled with a rapidly increasing area of industrial dispute, at once operated to increase the size of trade unions as a means of common defence. Delegates and deputations begin to appear, and about the time when Queen Victoria ascended the throne we find the significant office of general secretary coming into prominence.

In 1824 there was published a book entitled "The Constitution of Friendly Societies upon Legal and Scientific Principles" by the Reverend John Thomas Beecher, which attacks the desire of labour bodies at the time to place the management of their affairs in the hands of the ordinary members in rotation, and advocates the use of persons of "ability and independence." Generally speaking the ideal of democracy is found to be dying and its modern substitute, the hierarchy of officials controlled by select representatives is gradually coming to be substituted.

We have next to consider that ambitious movement for the institution of grand national all-inclusive unions which grew up about this time, based upon avowed revolutionary principles, a development clearly to be distinguished from the older simple trade club. A trade union in the earlier sense was merely a union of trades, but the trade union has now become a name for a combination of all the workers in the country in one single universal body. The notion of the single trades union was advocated by John Doherty, who became secretary of the Manchester Cotton Spinners, and he and others established a Grand General Union of the United Kingdom, which was to be governed by a central committee and an annual meeting. It was, in fact, largely limited to the cotton-spinning industry and appears to have died out about 1830. Doherty and his followers then conceived the

idea of a grand general union of all trades throughout the United Kingdom, and under the title of the "National Association for the protection of Labour," no less than 150 unions appear to have been affiliated. A newspaper was issued and thousands of pounds collected and considerable agitation was expressed among the more prosperous classes as to its future activities.

By 1832, however, it also had collapsed and, in its place, several general unions for various industries arose, for builders, for clothiers, for potters and for others. The great distinction between these great unions and the earlier ones of the trade club type is apparent; the former were formed from the top downwards and were started for the most part, not by workmen in the trade or shop, but by outside persons, often middle class, imbued with revolutionary ideas. In Robert Owen we find perhaps the best type of the intellectual revolutionary of the time. He propounds definitely the important view that the trade unions should themselves carry on industry under a general union of the productive classes, and his "Owenite Societies," as they were called, are not very different in their intention from those trade unions organized for production which guild socialists now advocate. National associations were to be formed, to include all the working classes in one general union, and each trade department was to become acquainted with what was going on in the other departments. All individual competition was to cease and manufactures were to be carried out by the trade departments of his general union. In 1834 he started the Grand National Consolidated Trades Union. The little local trade clubs were absorbed, in a Buddhistic fashion, into a higher unity and were trans-

formed into lodges of the great union under the control of the wider body.

It may be that "The Times" newspaper of the time exaggerated the growth of this organization. The exaggeration of the power of trade unionism by those who fear it is not unusual, but, if we are to believe the contemporary Press, a very large portion of the working class were in one form or another absorbed,—women also took their part, for the "Grand National" had female branches. In the same year came the conviction of the six Dorchester labourers for unlawfully administering an oath and their sentence to seven years' transportation; such a sentence one would hope could only have been possible at a time when the governing class were seriously alarmed.

The movement for the repeal of the emancipating Act of 1825 became serious, and, confidential reports recommending among other things what is described as "the experiment of the confiscation of the funds of the organizations" was advocated, but the weak Ministry then in power, committed as it was to "reform," had not the moral courage to alter the law, and this may provide an explanation of the purpose of the somewhat sophistical judgments of the time in which nearly all the judges seek by judicial sidewinds, to avoid the consequences of the repeal of the Combination Acts.

The trial of the Dorchester labourers is but one of many such cases, and it probably owes its notoriety to the fact that the Grand National Consolidated Trades Union devoted the whole of its machinery to the preparation of petitions and demonstrations on their behalf. The Special Constabulary were called out, and at the head of a great procession of protest, we are told, no less a person was to be found

than a Doctor of Divinity in his academic robes.

Whether as a result of the moral protection afforded by this divine or because the Government had already got its hands full with other matters, no prosecution of the organizers of this demonstration was attempted, but from 1834 onwards we note the collapse of the Grand National Trades Union, a failure, curiously enough, contrasting with an increased prosperity of trade. It is not easy to account for the end of this movement. A general apathy appears to have possessed the members, and until we are supplied with better knowledge of the cause of the growth and decline of secular agitations, it is best to chronicle the fact of this early dissolution of industrial unionism and abstain from seeking far-fetched explanations.

As the Roman Empire in its decay left behind various fragments of its majestic self in various areas in different stages of efficiency or ruin, so the Grand National Trades Union in passing bequeathed to successors a considerable amount of wreckage from which many of the later trade unions evolved. Owen now confined himself for the most part to the practical conduct of his own communal mills; but his notion that the trade unions transformed into industrial self-governing combinations should themselves conduct industry, despite the opposition to his views which appears in the works of Victorian State collectivists, is now accepted in one form or another by the great majority of the idealistic trade unionists and revolutionaries of to-day.

According to the authors of the "History of Trade Unionism" the modern socialist proposal to substitute the officials of the government for the capitalists was unthinkable at a period when all local



governing bodies were notoriously inefficient and corrupt and Parliament an oligarchy. But, if local governing bodies are still inefficient or corrupt, and if Parliament still remains an oligarchy, it would appear that the particular method of dispensing with capitalism which is proposed by those authors, namely by handing over its functions to the State is at least as undesirable or impracticable to-day as it was in the time of Robert Owen.

## CHAPTER II

### THE PERIOD OF SUFFERANCE

#### RESPECTABILITY

WE may view the beginning of the Victorian reign as a time when we part company with nearly all revolutionary notions in the economic structure of society, and for many years we cannot but notice the eminent unimaginative respectability of those who were responsible for the conduct of trade unions. This is not to say that the trade unions reverted to the simple trade club type of which we have already spoken ; the agitation of the thirties had left its mark, and consequently we find much larger and more complex organizations than in the early days, while committees and delegates and that vastly important industrial factor the " Labour Leader " have definitely come into being.

Nevertheless, after the collapse of the early industrial unionism, disturbing notions and ideals of social change are not to be met with again in any degree in the trade union movement in England until the rise of socialism in the eighties. From 1837 to 1842 political chartism takes the place of economic trade unionism as a goal of the revolutionaries ; the vote and not the strike is now the exciting word, and with the vote won, at any rate for the middle class, we find in its place that unusual combination of capitalist and workman arrayed against the old territorial class which

gave expression to what is generally called the Free Trade Movement. If there is any revolutionary movement in England at this time it is a revolution backwards, and its leaders—for it had no rank and file—are to be found among the sons of Dukes, High Church priests, and romantic writers. It was led by the famous politician, Disraeli, and its name was the Young England Movement.

The Chartists, while they monopolized the enthusiasm of the discontented, were not entirely separated from the trade union movement; at any rate they were at one time prepared to use the weapon of the general strike as a means of obtaining their charter. In certain districts the working class collectively adopted their ideas and sectional strikes took place, but the unions as a whole, already dominated and controlled by sober leaders of a moderate uninspired turn of mind, stood out against any such drastic proposals.

It is a curious irony that the leaders of the early revolutionary trade union movement by producing, as a result of their militancy, large organizations and fixing the responsibility in leaders, should have brought about the very opposite result to that which its promoters anticipated. Indeed we may say that the sane trade union leader, so much admired by the politician of to-day, was created by the early revolutionaries as general of a fighting force and only later passed into a condition of inert respectability. The very strikes themselves which occurred during the forties were often of a respectable, not to say moral, character; thus, in 1841, a strike took place among the masons engaged in building the new Houses of Parliament, and one of their complaints was that the language of the foreman was profane! This strike, in which

other grievances also occurred, cost the building trades union £1,500 and lasted nearly nine months. It was followed by a strike for shorter hours, particularly for the cessation of work at four o'clock on Saturday, and in connexion with this latter strike an indictment for conspiracy was started but was ultimately withdrawn. Smaller strikes to obtain increase of wages for artisans and to obtain, in London, a minimum wage of thirty shillings per week occurred, together with strikes in Manchester and Liverpool, and as a result codes of working rules were agreed between the employers and the unions. In 1844 the tendency towards the absorption of smaller societies of which we have spoken again manifested itself, this time in the printing trade in the formation of the National Typographical Association. It is interesting to study the constitution of this body, as it already displays that oligarchical structure which became more and more common as the functions of trade unions became increasingly important. A central managing body was constituted with five district secretaries, one for Scotland and one for Ireland, and the remainder for the various parts of England. The workmen were not yet, however, sufficiently accustomed to expert guidance to accept the illusory protection of a remote representative system, and, in 1847, the society was dissolved and a Provincial Typographical Association formed, which excluded London, Manchester, and Birmingham. London to this day has maintained its own printing union in the London Society of Compositors, but Manchester and Birmingham have now become absorbed into the Typographical Association.

In 1845 there was formed a body calling itself the National Association of Trades, and if this body be contrasted with the old Grand National Consolidated

Union of 1834 the difference of outlook becomes very marked. The new body was by no means anxious to supplant existing trade unions or to interfere with their internal arrangement. This fact was specifically stated in the preface to the rules, and no doubt, as by this time the trade unions had got established leaders with a vested status, it would have been far more difficult to dispossess them than it would have been in 1834, when the little local trade club was unable to stand up against the Great Leviathan. The object of the National Association was to form a common centre for mutual assistance and support in case of need. For one year it published a newspaper, "The Labour League," and in it are to be found reports of the trade union movement of 1848-49 which are invaluable to the historian. This amiable body continued to exist until 1867 and was principally concerned in its later years in promoting conciliation between masters and workmen in labour disputes; and its activities finally resulted in the passing of the Conciliation Act of 1867, from which the existing Industrial Court is derived. The case of *R. v. Drury*, in which a number of trade unionists were prosecuted for conspiracy, is reported in the columns of "The Labour League" but does not seem to have been reported in the Law Reports. It was a case started by a trade union of masters and the conviction was quashed upon appeal. But on the whole the period from 1840 onwards was one of industrial tranquility, and although the Unlawful Societies Act of 1798, which prohibited organizations to send delegates to conferences, was unrepealed and is still unrepealed, the formation of federations and the holding of conferences continued.

Perhaps the most important event of this period was the formation of the Amalgamated Society of

Engineers in 1850. It was an amalgamation of many sections of the engineering industry and was originally inspired by a desire to put a limit on overtime worked without extra pay on the ordinary rate. It included smiths, turners, pattern makers, and millwrights. Its rules provided for a number of provident benefits: sick, superannuation, accident, funeral, and out-of-work assistance as well as strike pay, but, with the exception of its superannuation benefit, it had one common fund, both for the friendly society and for the industrial strike benefits. Its first General Secretary, William Allen, was of the type much admired at the time, a man, in the words of George Howell, "honest, upright, fearless but always prudent in speech and action." In 1851 it had 151 branches and it soon came to grips with the employers on the question of overtime. The employers insisted as a counter-offensive on the repudiation of the union by their workmen. A general lockout and strike occurred in 1853, and the funds were reduced to a little under £2,000. On the whole it was a pyrrhic victory for the employers, for, although the men had not achieved their demands, the agitation consolidated the union and it remained in existence until 1920, when it absorbed most of the remaining engineering unions and took the new title of the Amalgamated Engineering Union.

In 1853 the spinners were on strike in Lancashire and a lockout occurred there also and many prosecutions for intimidation under the Act of 1825. We find during this period that revival of criminal prosecutions which usually denoted an increased activity in trade union matters.

Thus in 1851 there were several such prosecutions, namely, *R. v. Hewitt* (5 Cox, C.C., 162), in which it was held that to support a strike or to procure the

dismissal of a member who refused to pay a fine was unlawful ; *R. v. Duffield* (*ibid* 404), in which the action of trade union secretary persuading employees not to enter an employment was held to be a threat, but not an intimidation, that is a threat to an employer ; though in that case Erle, J., affirmed the right to strike so long as no efforts were made to induce others to join, and defined a threat as threatening a man either with personal injury or with the loss of comfort in any way (p. 432)—(it is to be noticed that this definition of a threat agrees closely with the view of Mr. Justice Astbury in the recent case of *Valentine v. Hyde*) ; and the important case of *R. v. Rowlands* (*ibid*, 436) in which the same learned judge held that workmen may combine to raise wages where the purpose is to obtain benefit for themselves, but to combine to force an employer to agree to wages is unlawful where unlawful means such as intimidation or threats are used, and apparently a threat to call men out is such an unlawful threat, as it is also to say to men “If you work there we shall strike against you,” or to follow a workman home (*R. v. Perham*, 1859, 5 H. & C. 30).

We find, curiously enough, that the Society of Arts endeavoured without success to procure the settlement of a dispute which had spread through the whole of the cotton industry, and the masters, also amalgamated in a trade union, went so far as to employ the Town Clerk of Preston to act as their legal adviser, a matter which caused much comment at the time. In 1857 the boot and shoe makers were on strike against the introduction of machinery. Mr. Howell observes that everybody now admits that strikes against machinery are economically and industrially wrong and that the boot and shoe operatives to-day would laugh to scorn any proposal to return to the old hand-

sewn principle ; it must not be thought that the author of this book shares Mr. Howell's views on this matter. In 1858 we hear of a strike of coal miners in Yorkshire and we read of the activities of a trade union of masters in the cloth trade for the regulation " of prices, weights, and other matters connected with the cloth trade." About this time the Yorkshire Miners' Union, subsequently the Yorkshire Miners' Federation, came into being, and, generally, the middle of the last century in this country was a period in which strikes were very frequent, and trade unionism active, but their objects are almost exclusively confined to purely industrial matters, and any desire to control either industry or society at large is conspicuously absent. We need only mention of other disputes one in the glass trade, 1858, and among the chain makers, 1859.

#### LEGAL OPPRESSION

In 1856 and 1859 there were more prosecutions, and in the latter year there was passed, under circumstances which will be discussed hereafter, the Molestation of Workmen Act (22 Vic. c. 34), which re-defined the terms " molestation " and " obstruction " in the 1825 Act, which terms in the past had substantially been treated as questions of fact, as follows, " no workman or other person, whether actually in employment or not, shall by reason merely of his entering into an agreement with any workman or persons for the purpose of fixing remuneration at which they should work or by reason merely of endeavouring peaceably and in a reasonable manner and without threat or intimidation, direct or indirect, to persuade others to cease or abstain from work in order to obtain



the rate of wages or the altered hours of labour so fixed upon, shall be deemed or taken to be guilty of molestation or obstruction within the meaning of the 1825 Act." There was a proviso that nothing therein contained should authorize any workman to break any contract or attempt to induce any other person to do so.

This proviso, no doubt, had reference to the still subsisting Master and Servant Acts, under which an employer who broke a contract with a workman could be sued for damages, whereas the workman could be imprisoned for three months. Imprisonment, moreover, did not of itself discharge the workman's debt (*Unwin v. Clark* 1. L.R. Q.B.D., p. 417). It was not until 1867 that these criminal provisions were repealed. (30 & 31 Vic. c. 141.)

The first judicial interpretation of the 1859 Act is to be found in the case of *Walsby v. Anley*, 1861 (3 E. & E., 516) in which it was held, under facts similar to those in the recent case of *White v. Riley* in the Court of Appeal, that a letter sent to the employer of a resolution of men threatening to strike unless a certain man was discharged, still constituted a criminal threat and molestation. The views of the two learned judges, Lord Justice Cockburn and Mr. Justice Crompton are worthy of consideration. The former distinguished, as did Mr. Justice Astbury lately in *Valentine v. Hyde*, between a combination of men who gave the employer the alternative of dismissing them or the obnoxious persons, with a combination who really were masters of the situation and so by threatening the employer with loss could force his hand; while Mr. Justice Crompton thought it was criminal to combine to compel the discharge of a fellow workman by the threat of a strike. In

*O'Neil v. Longman*, 1863 (4 B. & A. 376) it was held to be a molestation to threaten to turn a man out of a union and send his name round the country. On the other hand to discuss with an employer the settlement of a dispute without handing him a resolution to strike was not an intimidation (*O'Neil v. Kruger*, 1863) (4 B. & E. 389); nor, even where a resolution to strike had been carried, was it intimidation to give it to the employer at his request (*Wood v. Bowron*, 1866) (L.R. 2 Q. B. D. 21).

In *Shelbourne v. Oliver*, 1866 (13 L. T. 639), *Walsby v. Anley* was followed, and it was held to be an offence to threaten to call out the men unless an obnoxious person was discharged; so also in *R. v. Pruitt*, 1867 (10 Cox. C. C. 592), where pickets were placed who "insulted and followed persons," this was held to be "intimidation, molestation, and obstruction," though in that case Baron Bramwell told the jury that a picket who did not do anything more than peaceful persuasion might be innocent. *Skinner v. Kitch* (L. R. 2 Q. B. D. 393) was a case similar to *Walsby v. Anley* and *Shelbourne v. Oliver*, and had a similar result; while in *R. v. Sheppard*, 1869 (11 Cox. C. C. 325), peaceful persuasion being only proved, the case came within Baron Bramwell's observations in *R. v. Hewitt* and resulted in an acquittal.

After 1860 the interests of trade unionists began to widen. The London Trades Council was started in 1860, and other trades councils in industrial districts were formed and began to concern themselves with matters of a semi-political nature and with affairs outside immediate trade matters. The International Working Men's Association, constituted in 1864, is another indication of the increasing scope of trade union activity, and the trade unions, or at any rate their

leaders, took a considerable part in the agitation for political enfranchisement which led to the Reform Act of 1867. The labour leaders in various trades began to confer with one another on the general interests of labour, though the idea of consolidation of all unions into one body was universally abandoned. We find that the London Trades Council has thus really become a parliament of trade union secretaries and important delegates, and is interesting itself in such extraneous matters as the War of the American Independence. They took an active part in organizing the welcome to Garibaldi and also in supporting the Northern States of America in the war against slavery, for so they construed that conflict.

A small group of leaders, called by Sidney and Beatrice Webb "the Junta," namely the secretaries of the Engineers' and Carpenters' unions, William Allen and Robert Applegarth, the latter of whom is still living, together with a few other prominent trade union officials, had started a campaign to give to the trade unions a more definite political status. They were as a body highly cautious and law-abiding, not to say conservative in temperament and in practice, and for the most part Evangelical in religion. Several of them were suitably rewarded for their social virtues by being appointed to sit on Royal Commissions and by being created Justices of the Peace.

Nevertheless, we find that this group supported the International Association of Working Men, which in 1864 went so far as to hear an address from the famous Karl Marx. Few trade unions however joined the Association in England, but we find that its constitution, which was socialistic in temper and policy, seemed to present no difficulties to the

individualistic radicalism of its English supporters, who perhaps because either they did not interest themselves in its objects or because they did not take it very seriously. It is the penalty of that extreme empiricism in political matters, which is the boast of the Englishman, that he is so frequently to be found supporting organizations which exist for objects diametrically opposed to his own views.

The junta, as a whole, stood for the increase of the constitutional activities of trade unions in political and industrial matters. They were opposed not so much by any considered theory as by the apathy of the older leaders and of the rank and file. In 1864 the agitation for the repeal of the Master and Servant Act had started and the junta were actively concerned in this matter. A representative conference of trade unionists was held in May, 1864. Members of Parliament were approached and a draft Bill was settled and introduced into Parliament. We have already traced the history of this movement and its success shown in the passing of the Master and Servant Act of 1867.

On the other hand Applegarth and his colleagues of the junta set their faces strictly against irreconcilable industrial strikes, and the treble dispute between the old conservatives, the statesmen-like reformers, and the revolutionary sections, is to be found in full swing at that time and has continued in various forms ever since. In 1867 the trade unions first awoke to the fact that, as a consequence of their being in restraint of trade, they could not have recourse to the Courts to protect their own property. In *Hornby v. Close*, 1872 (2 Q. B. D. 153), the Boiler Makers' Society brought an action for the recovery of £24 wrongfully withheld by the treasurer of the Bradford Branch, but

they failed, for the reason above stated, to get any remedy. According to the "Beehive Paper," unionism had become something like betting and gambling, or public nuisances—things condemned and suppressed by the law.

Here, then was an opportunity for the junta and its supporters to seek redress from Parliament. In 1867 Mr. Cremer and Mr. Howell both stood as candidates, and, in 1868, we find the rudiments of a Trade Union Congress in a general conference of twenty-four delegates representing over 100,000 trade unionists at Manchester. In 1869 forty-eight delegates assembled at Birmingham.

Applegarth and his friends now called in the middle classes to their aid. After the decay of the Young England Movement we find support for industrial equity is carried on by the Christian Socialists with their notion of self-governing workshops and by the Positivist followers of Comte. Frederick Harrison and Professor Beasley were both consulted, and about this time a Royal Commission was appointed to inquire into certain outrages at Sheffield and into trade unionism generally, with Sir William Erle, who had probably the greatest knowledge of trade union law of any judge of the time, as chairman, and Harrison was duly appointed to represent the working men's point of view. The present trade union movement is far more indebted to Harrison and to Applegarth for their ultimate emancipation than is generally appreciated. The employers appear to have made the mistake of considering that large unions with central funds were a public danger, whereas it was not difficult for Applegarth and his friends to show that, in fact, at that time as now, the leaders who were responsible for the maintenance of

the funds and the structure of the union, must always be a restraining and moderating force. The wish of most of the constitutional reformers was really for a kind of incorporation, but it is not very easy to say how far they had really studied the legal effects of the satisfaction of such a desire. Mr. Howell in "Trade Unionism New and Old" indignantly attacks the idea that the trade union leaders ever did seek incorporation. At any rate, in the event, two reports were issued and the minority report of Mr. F. Harrison, drafted as a Bill, was introduced into Parliament. Demonstrations were held, and while the Government seemed reluctant to move, the trouble which had arisen in the case of *Hornby v. Close* was temporarily dealt with in the Trade Union Funds Protection Act, 1869.

It was not until 1871 that Mr. Bruce, the Home Secretary, produced the Government measure. Their Bill was influenced by the fact that the Commission had not only inquired into the general status of trade unions, but also specifically into certain outrages which had occurred at Sheffield and other places; they therefore sought, not only to free the trade unions from certain legal disabilities, but also to prevent future acts of individuals which they considered might be criminal. Both these matters were originally dealt with in the same Bill, but, after many deputations, in which the Trade Union Congress took an active part, the Bill was divided into two. The first part, the present Trade Union Act of 1871, provided that combinations should not, by reason of the fact that they were in restraint of trade be deemed to be unlawful, nor should they lose thereby the right to make contracts. As regards possible litigation between one trade union and another, or between members and a trade

union, the courts were still precluded from entertaining jurisdiction (section 4), a curious provision inserted at the request of the trade unionists themselves, while further provisions made possible the voluntary registration of trade unions by the Registrar of Friendly Societies, without however very seriously altering their status or adding any powers except that of the summary prosecution of defaulting officers.

The second measure, the Criminal Law Amendment Bill, was far less satisfactory to the trade unionists. It impliedly repealed the protection accorded by the 1859 Act to persons peacefully persuading others to join lawful combinations, and the prosecutions which followed its enactment showed that, on the whole, as the trade unionists had anticipated, it increased rather than mitigated the criminal liability of trade unionists in taking part in industrial action. Prosecutions were undertaken and convictions obtained for such trivial matters as the use of bad language to persons who refused to strike. Finally, in the case of the gas stokers' strike in 1875 Lord Justice Brett (afterwards Lord Esher) held that it was a criminal molestation and conspiracy for employees to threaten their employers by a simultaneous withdrawal of their labour, *R. v. Bunn*, 1875 (12 C. C. C. 316). Mr. Gladstone and his cabinet refused to amend or repeal the Criminal Law Amendment Act of 1871, and their refusal kept the Trade Union Congress and its Parliamentary Committee busy with continual agitation and petitions until 1875, when the Conservatives passed the Conspiracy and Protection of Property Act of that year, which enacted that the peaceful persuasion of persons to work or not to work in contemplation or furtherance of a trade dispute should not be deemed to be an unlawful watching and besetting or molesta-

tion, and that a combination to restrain trade in contemplation or furtherance of a trade dispute was not to be deemed to be criminal unless it would have been criminal in an individual.

This Act marks the end of an epoch, and from this time onwards, generally speaking, the fear of criminal prosecution was removed from trade unions so long as they confined their activities to such acts as would not have been unlawful in the case of ordinary citizens, and criminality arising out of actions in restraint of trade in its various forms came to an end.

We have thus traced between the years 1865 and 1875 the triumph of a policy of constitutional political action, and the work which was effected by Applegarth and Howell and their friends cut across the more revolutionary desires of the socialists on the one hand and the more purely industrial interests of the old trade unionist on the other.

The fact that the Trade Union Congress and its Parliamentary Committee continually increased in numbers and more and more took a leading part in the direction of trade union affairs testified to this new outlook. Actual and direct political action in promoting candidatures was comparatively rare. Since 1869 the Labour Representation League had been endeavouring to return working men to Parliament. The Trade Union Congress went so far as to decide to support one candidate, and at the general election of 1874, a number of Labour candidates were nominated; at Merthyr, Wycombe, Aylesbury, Warrington, Finsbury, Peterborough, Southwark, Northampton, Middlesbrough, Preston, and Stoke. Only two, Alexander McDonald and Thomas Burt, both miners, were returned, and it is to be observed that in both cases they were not opposed by the Liberals. The Syndicalist



agitation of the thirties was dead, the inspiration of the later Socialist movement had not made itself felt, and the period which marked the final emancipation of the trade union ended in a triumph of tranquil, not to say humdrum, political respectability.

## CHAPTER III

### EMANCIPATION

#### THE TRADE UNION ACTS

THE considerable agitation which arose from the Criminal Law Amendment Act of 1871 definitely converted the more hesitating spirits in the trade union world to the idea of the value of political action, if not to the need of obtaining their own representatives in Parliament. The fourth Trade Union Congress at Nottingham in January of 1872 had placed before it a considered report of all the transactions which had led up to the passing of the Trade Union Acts of 1871. The report of that committee was drafted by Mr. Howell and his friends, with the assistance of Mr. F. Harrison, and the seventy-seven delegates at the annual Trades Congress accepted the report. A public reception was given to the delegates, which was attended by the Mayor and several Members of Parliament, and a semi-official recognition was given to the Congress and its Committee. In their subsequent deputation to the Home Secretary they complained bitterly of the Criminal Law Amendment Act. They had got grounds for complaint; men had been arrested for distributing handbills during a strike, for intimidation in calling men blacklegs and for even less offensive remarks. In January of 1872 one, George Turk, was charged and convicted for distributing handbills, in which, after appealing to fellow

workmen not to enter certain employment, the words "by so refusing you will forward our cause" appeared. On appeal the conviction was quashed, as was a similar case at Bolton, but for a long time the magistrates in the court of first instance insisted on giving to the words, "molestation, intimidation, and coercion" a breadth of construction which the superior courts had condemned. Such abuse of judicial power brought to the side of trade unionists many eminent lawyers and statesmen, such as Lord James of Hereford, Sir William Harcourt and Mr. Justice Wright, but, despite constant lobbying and deputations, the Home Secretary refused to move in the matter. Finally Mr. Justice Wright, as he afterwards became, drafted a Bill which obtained the support of several Members of Parliament. It was approved by the Parliamentary Committee, but Mr. Harrison and Professor Beasley took an objection to some of the clauses. These difficulties were removed, but again the Home Secretary refused to move. Sir William Harcourt then moved to adjourn the House in the matter, but nothing was done until the resignation of the Liberal Government in 1874.

Despite this official obduracy, trade unionism continued to grow in strength. The fifth Trades Union Congress in 1873 represented over 700,000 members, and a barrister called Crompton, who was then legal adviser to the Labour movement, addressed the conference on the legal position and the effects of the Criminal Act of 1871.

We have already commented upon the gas stoker's case, in which Lord Esher convicted workers who had obeyed the orders of the General Council of the gas stokers who had resolved on a sudden strike, and in the opinion of Mr. Justice Stephen ("History

of the Criminal Law"), it was this decision, more than any other, which led to the passing of the Act of 1875. There remains to this day a reminder of these strenuous times in a special section to the 1875 Act, which still makes criminal a strike in breach of contract which may deprive a place of its gas or water. In 1873 we notice the beginning of the movement for the trade organization of Agricultural Labourers under the direction of Joseph Arch. An Agricultural Labourers' Union was formed and, at the end of May 1873, it had 70,000 members. Mr. Howell suggests that this movement paved the way for the political franchise for labourers in the counties and for the institution of democratic local governing bodies, but there is no sufficient reason to suppose that there is any definite connexion. For one reason or another the organization of agricultural labourers at this time proved to be unsuccessful and finally collapsed altogether. The reason for this failure may be discovered by some student of social psychology, but the author of this book does not pretend to be able to explain it.

The year 1873 is also interesting to the student of industrial organization by reason of the fact that a General Federation of Employers was instituted in that year. A conference was convened in April by the General Association of Master Engineers, Shipbuilders, and Iron Founders, and the National Association of Factory Occupiers. It came into being primarily to oppose the repeal of the Criminal Law Amendment Act of 1871, and letters passed between the Parliamentary Committee and the Employers' Federation in which the former offered to meet a deputation of the masters and discuss the trade union programme. It is probably true that Mr. Howell's statement that the Parliamentary Committee, like

the employers, sought "the safety of capital," and the mutual courtesies which passed between the two bodies throw a flood of light on the unrevolutionary sentiment of trade union officials at that time.

The National Federation of Associated Employers of Federated Labour was duly constituted. They issued a statement in which they spoke of the great influence of trade unions and commented on the proportion of their earnings which trade unionists devote to the services of their leaders. They went on to say that the trade unions have a whole-time paid and ample staff of leaders with interests distinct from, though, not antagonistic to those of the workmen they lead which shows that the journalistic notion of the working class being cheated by expert officials was already beginning to be circulated. Once again the legal knowledge of Mr Crompton was employed by the trade unionists and, in the event, as has already been stated, the trade unionists triumphed in repeal of the 1871 Criminal Act.

An unsuccessful attempt was made at this time to get the Trade Union Act of 1871 amended in order that trade unions might be sued, a condition of affairs subsequently brought about by the decision in the Taff Vale case.

In 1874 the Women's Trade League was formed to promote trade unionism among women; by 1886 over thirty women's societies had been formed by it.

## THE COMING OF SOCIALISM

The passing of the Act of 1875 marks an apex in trade union prosperity, and the period from 1873 to 1879, when a great commercial crisis broke out, is a period in which the unions were nearly all ruined through the enormous amount of money which they had to pay away in unemployment benefit. The few lower-grade unions, then existing of unskilled labourers, were destroyed altogether and the larger craft organizations only resisted ruin by ruthlessly excluding from their membership all those who had not served their apprenticeship or had not some other recognized status. We may note during this period the formation of the Durham Mining Federation in 1878, though local county unions in Northumberland, Durham, Lancashire, and Yorkshire date from the forties.

Sectional disputes, such as those between the brass founders and iron founders, platers and boiler makers, pattern makers and carpenters, and others, broke out which the trades councils and the Trade Union Congress were unable to restrain, and, generally speaking, we see in this period the recurrence of that exclusive attitude on the part of the skilled trade unionists towards other craftsmen and the unskilled labourer which was so marked a characteristic of the declining guilds in the later Middle Ages.

On the other hand, while the trade unions were thus becoming more sectional and exclusive, the new doctrine of Karl Marx and the Socialists was coming to be supported by many of the more revolutionary workers. The failure of trade unionism of the

respectable type, for which the junta had stood, was essentially empirical, depending upon the presence of economic prosperity in the country, drew attention to what some people believed to be the inherent weakness of the capitalist system and its failure to preserve the unions in time of stress. These new trade unionists were in disagreement with the Trade Union Congress and refused to believe that the preservation of private capital was "in the best interests of the community," as did their elder colleagues. The idea of the evils of the private monopoly of capital was not a new thing. From the earliest ages many devout persons had seen in the denial of material goods to many a practice which was inconsistent with the teachings of Our Lord, but Karl Marx, unmoved himself by any religious considerations, outlined a system of economics in his work "Das Kapital" in which, on purely materialistic grounds, he showed that the possession of private capital must end in its inevitable accumulation in the hands of larger and larger trusts until finally the whole material world would come to be possessed by a very small class of plutocrats and every one else would necessarily be enslaved.

His philosophy appealed to the more enlightened thinkers of an age, wedded to scientific fatalism, and also found favour with the dispossessed. Ideal it emphatically was not, since Marx denies to man any real dignity of free will, and there is a mechanistic fallacy in his impersonal arguments, which was sought to be corrected to a large extent by William Morris, who endeavoured to revive the communistic ideals of the communists of the Middle Ages, while at the same time, ignoring the Catholic Faith on which those ideals were based. In 1883 the Social Democratic

Federation was formed for the purpose of promulgating the socialistic views of Karl Marx, but although Morris soon wearied of its materialism and formed a separate society, the general view that the ultimate ideal of trade unionists must be to supersede the capitalistic system received an increasing measure of support. The question really was how was it to be done? In 1884 a most remarkable organization, the Fabian Society, came into existence. It drew its inspiration for the most part, from civil servants who had conceived the specious idea that the existing State, organized on democratic lines, could be used as a machinery for directing industry in the place of the capitalists. Needless to say its belief in the existing "bourgeois" State was abhorrent to the Marxians who, being very largely of foreign extraction, had always connected Government with the prison and the barrack yard. An uncritical belief in the representative character of political government, an almost complete absence of ideal other than secular, and an exaggerated trust in the inevitability of progress distinguished the Fabians. They appear to have been little interested in trade unions as such and their early projects do not seem to assign any function to those associations in their ideal State. In economics they looked to Jevons, in philosophy they were unconsciously influenced by Comte, Spencer and Mill. In theology, unlike the Christian Socialist and Young England movements, they were without dogmatic guidance.

Despite the lack of interest which the Fabians took in the trade union movement the combined results of their teaching and that of the Social Democrats produced a ferment among the minds of the more susceptible trade union leaders, even if it did not extend to the rank and file, who, for the most part, continued



their jobs, if they could get them, and remained conspicuously ignorant of the much prophesied impending collapse of the capitalistic system.

By 1880 the trade depression had worked itself out, and trade unions once more became financially prosperous. The exclusiveness of the old craft unions was remarked upon and led to a revival of interest in the position of the unskilled labourer and sweated women, but it was not until 1887 that any real measures for their relief were taken. In that year there appeared at Congress a new and notable figure, Kerr Hardie. He was no Marxian, for his belief in the personality and spirit of the common man was intense. He was ~~not~~ Fabian either, for that intellectual aloofness which distinguished so many of the members of the society was in him entirely lacking. He was perhaps one of the only persons, of the type of seer and prophet, which the English Labour movement has produced. Devout, fearless, perhaps a little unpractical, unstudied in economics, he immediately produced a profound impression upon the Trade Union Congress. We find associated with him, Mr. John Burns, who roundly told the oligarchical craft unions that they had become mere "middle and upper class rate-reducing institutions." Socialistic proposals and personal denunciations were hurled at the head of a terrified congress of middle-aged respectable gentlemen by these more fiery spirits and in the same year, under the influence of the same spirit of revolt was formed the Dockers' Union, on a militant basis, which catered definitely for the unskilled worker. In 1889 the Gas Workers' and General Labourers' Union was formed and the gas stokers obtained for themselves an eight-hour day. Then came the great dock strike, led by John Burns, Ben Tillett and Tom Mann, and similar

strikes broke out in every town for increased wages. The leaders were skilful and their influence was much increased. The union view is well expressed by what was said by their General Secretary in 1889: "We have only one benefit and that is strike-pay. I do not believe in having sick, out-of-work pay and a number of other pays." Their contributions, which were low, no doubt necessitated such a policy, but in any event it appealed to their militant instincts. The Trade Union Congress in 1887 met in turmoil. Mr. Broadhurst, a prominent Liberal member of Congress and a Member of Parliament had apparently committed many offences. Like the cat in the fable he had been to Sandringham to visit the Queen: he had opposed the Miners' Eight Hours Bill and, according to Keir Hardie he had stumped the country to catch votes for the Liberals. The Parliamentary Committee reported in 1888 that the militants had been ungenerous and foolish. "If," it asked, "these men who have been attacking us are truthful, wise and honest men, then follow them. If they are enemies in disguise then avoid them. Those who create discontentment are not worthy to associate with earnest men." These comparatively mild strictures were described by one of the new unionists as "offensive and brutal," but a large majority was in favour of the official report. Then Hardie said that the Secretary held shares in sweating companies; he was also accused of having received them as a bribe, but Hardie obtained only eleven supporters.

From this time onwards, however, notwithstanding the fact that the older leaders were still in possession of power, the unions came to be more and more provocative and with their new spirit came a desire to obtain control of Parliament in order to put their

ideals into practice, for the Fabian conception that the Civil Service should be the midwives of the new order had definitely triumphed over the apocalyptic notions of Marx. Again and again Hardie, who had a curiously fervent faith in political action, urged Congress to take its share in promoting Labour Representation in Parliament. The view then expressed, that "drastic industrial reform was impossible until there was a strong and vigorous Labour Party" in Parliament, contrasts curiously with the modern slogan that industrial power must precede political.

In 1892 it was computed that there were about one and a half million trade unionists, and Congress was instructed under Fabian influences to prepare a scheme for a separate fund to support Labour candidates. The Marxian Socialists viewed this with disfavour and endeavoured to limit all support to avowed socialist candidates. The fact that their proposal was only defeated by 25 votes shows how great was the progress of unions towards the left.

Next year the Socialists captured Congress and decided not only to establish a separate fund for the return of working men to Parliament, but also to give no support to any candidate who did not stand for the collective ownership and control of the means of production, distribution and exchange. The last word in this resolution has, it is believed, remained unintelligible to the great bulk of its supporters, nor has any economist so far given any exact meaning to it. Nevertheless this trinitarian phrase possessed for some years an extraordinary emotional value. Year after year the Trade Union Congress continued to carry the resolution, but in the meantime, Mr. Keir Hardie and his friends had started an organization of their own known as the Independent Labour Party. This

body had two distinct principles. It stood in the first place for the return of its members to Parliament apart from any other political organization; and, secondly, accepted more or less completely such schemes for the achievement of collectivist socialism as the Fabian Society were prepared to put before it. The I.L.P. as it was called was indeed the exoteric expression of the Fabian idea and remained so until the European War. Despite the insistence of Hardie on working class basis it was in fact largely recruited from the various social strata whose boundaries lie between the productive operative on the one hand and the educated class on the other, the "lower middle class." In 1895 this body put forward twenty-eight candidates for Parliament but none of them were successful. Year by year, the I.L.P. permeated Congress with their collectivist notions until at last, in 1890, that body was converted and the Labour Representation Committee was definitely constituted as a result of the resolution at Congress on a basis of delegates from Congress itself and the various socialist societies. A constitution was provided for the delegates by Mr. Ramsay Macdonald, but by this time Mr. Burns had cooled in his enthusiasm for independent Labour representation and, speaking more truly than he knew, he said "he was getting tired of working class boots, working class trains and working class margarine." The constitution provided for representation of the separate trade unions as such, and Congress dropped out as a collective body, the trade unions together with the three socialist societies coming thus to constitute the Labour Representation Committee.

In the same year a new federal body, the General Federation of Trade Unions, came into being. It was

probably intended by its promoters to supplant Congress to a large extent and it included in its objects the institution of a common fund for the assistance of federated bodies which Congress lacked. Its history must have profoundly disappointed its promoters. From the beginning it was an unwelcome thing among the hierarchs of labour. Its objects were none too clear and it merely became a kind of common bank for the limited number of trade unions which affiliated to it. The "gigantic fund," which its secretary intended it to have, proved at the most to be anything but gigantic. Its later development and virtual disappearance from the effective trade union world will be discussed hereafter. In 1900 we may note, among trade unions having more than twenty thousand members, the Amalgamated Society of Engineers founded in 1851, the Boiler Makers dating from 1832, the Amalgamated Society of Carpenters and Joiners 1860, the Amalgamated Association of Productive Cotton Spinners 1853, the Amalgamated Society of Railway Servants 1872, and the Yorkshire Miners' Association 1858. In addition we have to note as the result of the new unionism mostly open alike to men and to women, the Dockers' Union 1887, and Gas Workers 1889, both of these being general trade unions catering for all workers. There was at this time, as indeed is still the case, no definite principle upon which trade union organizations were formed. Before 1890 the trade union movement and its congress represented for the most part the skilled worker alone. After that time there gradually grew up more general labour unions, sometimes including the whole of the workers in a certain trade, like the dockers, but more often extending to all workers. The growth of trade unionism since this time has for the most

part been a growth of the general labour unions. We notice an absence of those great amalgamations which are the characteristic of our present time. We find in every trade large numbers of comparatively small craft organizations; and even in the more general labour unions there is a great deal of competition.

Practically speaking, it is true to say that as the number of trade unionists has increased, the number of trade unions has grown less, but the period of which we speak is an intermediate period in which, on the one hand, the organization is sufficiently large for a full system of oligarchical government to exist while, on the other hand, the union is not so vast but that the personal hand of the leader may lie very heavily on nearly all of the branches. The fights of the time between the conservatives and the revolutionaries are mostly fought out at Congress. Internal disputes within the unions themselves are comparatively rare and the opposition obtain admission to the floor of Congress, for the most part, either by creating new unions, which thereby present them with a platform or by seeking admission as delegates from obscure bodies. The interest in political matters in 1900 was considerable among trade union officials. In 1900 Hardie and Bell, the Secretary of the Amalgamated Society of Railway Servants were returned to Parliament, though Bell continued to be supported by, and to be a member of, the Liberal Party. In 1901 the miners, though remaining unaffiliated to the Labour Representation Committee, started their own Parliamentary fund and by 1902 many unions such as the Postmen's Federation, Boot and Shoe Operatives, Boiler Makers, Coopers and Barge Builders, were all raising political funds. In 1903 a definite central political fund was established and the Labour group

became a definite Labour Party, its candidates and the executive being expressly required to refrain from appealing to other political parties. Congress in this year recognized the Labour Representation Committee and urged unions to join it, but by this time the Congress had allowed political matters largely to slip out of its hands, although until the return of a definite Labour Party in 1906, they still retained the control of trade union political matters. The legal decision in the Taff Vale case in 1901 in the House of Lords, which decided that a trade union might be made financially responsible in an action in law for tortious acts done by its servants in a trade dispute (1901, A. C. 426), filled the societies with consternation. The judgment was considered to be a novel and dangerous decision, though it is very remarkable that no attempt was made years before by injured employers to seek redress from the trade union fund. No doubt this decision whatever may have been its legal merits, would have rendered trade union action in times of strikes extremely precarious, more particularly when it is recognized that not only the procuring of a breach of contract by a trade union official, but a conspiracy to injure an employer by withholding labour without any breach of contract, might very well have been considered actionable, at any rate after the decision in the House of Lords in the same year in the case of *Quinn v. Leathen*, 1901 (A.C. 495), and one or the other of these two cases would almost certainly result from any serious trade dispute.

There is no doubt that this desire to break the trade union fund had far more effect in stimulating an interest in the formation of the Labour Party than any general desire for the furtherance of socialism or dislike of the capitalistic state. Once it was pointed out to

the workman elector that the whole of his superannuation benefit would be in jeopardy if some over-enthusiastic trade union official, in some other part of the kingdom, whom he had never seen, and of whose action he would probably disapprove, injured an employer, such a voter would not need the stimulus of Karl Marx or even of the Fabians to make him rush to the polling booth in defence of his hardly accumulated benefits. It cannot be denied that, in many cases, the return of Labour Members was also facilitated by the fact that the Liberals either of courtesy or design refrained from fighting the seats and so left them with a free hand against the unpopular Conservative Government which was struggling in the meshes of Tariff Reform and Chinese Labour. Whatever may have been the reasons, the Labour Party as they were now called, succeeded in 1906 in obtaining the return to Parliament of 29 members to which may be added 14 miners in addition to 11 members of the Liberal-Labour group. Such a body, by providing a definite instrument for the trade union movement in Parliament would either prove or disprove the value of their presence in that assembly by practical experience, but the result of their efforts there will be left over to be discussed in the next chapter.



## CHAPTER IV

### RESPONSIBILITY

#### THE TRADE UNIONS IN POLITICS

IT is a weakness to be found in many writings which have treated of the trade union movement that the subject of trade unionism has been so isolated from the study of the prevailing political and social aspirations of trade unionists. Mr. G. D. H. Cole, in his admirable "World of Labour" definitely abandons this superficial treatment of the subject, and his book shows clearly how impossible it is to dissociate the activities of trade unionists from the prevailing working class ideals of their time. There is probably no class of persons more receptive to prevailing opinion than that which includes the active directors of Labour. On the one hand they lack that conservative spirit and respect for tradition which fortifies the ordinary man against the disturbing influence of current enthusiasms, while on the other they often fail to achieve such a philosophical breadth of outlook as would enable them to hold consistent ideals amid fluctuating agitations and temporary devices of social amelioration.

The particular excess characteristic of the period which immediately followed the return of the Labour Party to Parliament was an uncritical confidence in the universal power of betterment latent in political

machinery; a belief so unreasonable that even such an ardent politician as Mr. Ramsay Macdonald has said that at that time industrial action was perhaps over-neglected. ("Syndicalism," p. 45.)

The passing of the Trades Disputes Act, 1906, a Labour Party measure, and the abandonment of the Government's Trades Disputes Bill which was a far more timid proposal, appeared to justify in its entirety the hopes of those who sought in the Labour Party the cure for all industrial inequity. Labour Members of Parliament often went so far as to declare that the strike and other early expedients of trade unionism were obsolete and useless weapons and, had the Labour Party proved as successful in their other proposals as they had been in the case of the Trades Disputes Act, it might well have been that the reaction in favour of industrial methods might never have taken place. As a matter of fact there is no doubt that the assistance given to the Labour Party in Parliament at this time by the Radical section of the Liberals was underrated. It was not foreseen by any save a few peculiarly sagacious observers of the time, among whom Mr. Hilaire Belloc must be mentioned in particular, that the imposing structure of social reform which was represented by the Liberal and Labour Parties relied upon very unsound foundations. As the early enthusiasm of the Parliament of 1906 wore away, it became increasingly evident that the real controllers and supporters of the Government were neither Radicals nor Socialists nor even Nonconformists but rich manufacturers whose only quarrel with the Opposition lay in the greater respect which the Conservatives paid to the monopoly of land and the dignity of the Church as distinguished from the monopoly of industrial capital.

The death of Sir Henry Campbell Bannerman and the passing of the leadership of the Party into the hands of the erstwhile Liberal Imperialists emphasized the increasing strength of the capitalistic supporters of the Government. More and more did the Labour Party, and for the matter of that, the Radicals, find themselves in a state of Parliamentary impotence.

In this year a special trade union for women, the National Federation of Women Workers was founded

A Joint Board with representatives from the Labour Party, the Trade Union Congress and the General Federation of Trade Unions was set up and their attention was particularly directed to the growing problem of unemployment, but the principal industrial feature of the year was a demand for the improvement of the working conditions of the railwaymen, made by a special conference of the Amalgamated Society of Railway Servants. The railway directors refused to see the trade union leaders on the matter, and their short-sightedness at the time undoubtedly went far to produce the serious strikes which followed in later years, until finally the very railway directors who had refused to recognize the trade union leaders in 1907 were themselves controlled and directed by those leaders in 1920, in the persons of Mr. Thomas and Mr. Cramp, who represented the men on the Advisory Committee to the Minister of Transport. In 1907 the Board of Trade set up sectional Conciliation Boards for each railway with a Central Board, but a curious proviso was made that the men's representatives must be employees themselves in the particular grade of work represented. The scheme was accepted and continued working until 1911 when, after the great railway strike of that year, fresh arrangements were made.

In 1907 the Labour Party Conference agreed to raise the levy to twopence per member. An attempt to declare Socialism the ultimate object of the Labour Party failed, as did also an attempt to confine candidates and the movement generally to trade unionists.

During this year the Joint Board which still largely accepted the notion of "labour" as a separate class in the community considered favourably the idea of instituting labour exchanges, provided that such exchanges were not used to the detriment of the trade unions

A discussion on Labour unity, arising out of the failure of negotiations between the Labour Party and the Liberal Trade Union Group, took place at Congress, and finally it was decided to continue to try and find a *modus vivendi*. The suggestion of a Labour daily newspaper was mooted at the same place, and a resolution favouring compulsory arbitration was lost

By 1907 discontent with the Labour Party was already beginning. In that year an Independent Socialist candidate, Victor Grayson, was returned to Parliament, and the interest of the public in trade union and socialist affairs was further kindled by the victory of Peter Curran at Jarrow. Labour disputes at Belfast led to the shooting of two persons, a matter which was taken up by the trade union world. 1908 saw the passing of the Old Age Pensions and the Miners' Eight Hours Acts, both largely owing to the insistence of the Labour Party.

During this year unemployment became very great, 4.7 per cent of trade unionists being out of work, and, in consequence, the Labour Party authorized the preparation of a Bill dealing with the unemployed on lines laid down by the Joint Board. The Bill, known as the Right to Work Bill, attracted con-

siderable attention. At the Labour Party Conference in 1908, at Hull, a resolution in favour of Socialism, declaring it to be the object of the party, was carried. In 1908 the number of members of trade unions affiliated to the Labour Party had grown to 1,121,256, while 1,700,000 members were represented at the Trade Union Congress.

A serious trade dispute in the shipbuilding trade occurred on the north-east coast. Proposals were made for settlement by the Joint Board.

The cause of Labour unity was considered to have been advanced by the final agreement between the Labour Party, the Parliamentary Committee of Congress, and the Liberal Trade Union Group to have joint monthly meetings and to agree not to oppose their respective sitting members; but whether such close arrangements did not concede too much to the Liberals is open to question.

The work of promoting a Labour newspaper was advanced a stage by a scheme for raising £100,000 being approved by Congress.

A proposal to amalgamate the Labour Party, Congress, and General Federation Conferences was mooted at the Congress, but defeated by a large majority.

In 1909 the miners' members formally joined the Labour Party and the Scottish societies were directly affiliated. The constitution of the Joint Board was revised, and the Women's Labour League affiliated to the Labour Party.

About this time the Poor Law Commission reported and the Trade Union Congress adopted the Minority Report, which had been signed, among others, by Mr. Chandler, a member of the Parliamentary Committee, although that report contained many proposals very

dangerous to the liberty of the subject, such as one for detention colonies.

At the Trade Union Congress the action of Mr. Bell for his conduct in the dispute between the North-Eastern Railway and the Railway Clerks' Association came in for severe criticism. An apology from Mr Bell closed the incident.

In 1910, at the General Election, forty Labour members, including the miners, were returned, and the membership of the party rose to 1,400,648

The case of *Conway v. Wade* turned upon the definition of a trade dispute in the Trade Disputes Act, 1906, and gave what some trade unionists thought to be a somewhat narrow interpretation to that phrase.

The Osborne case, which had begun in 1908, was finally decided in the House of Lords in December of 1909 against the Amalgamated Society of Railway Servants, who were restrained from raising a parliamentary levy on the ground that such an act was beyond the powers of trade unions, and that the signing of a pledge by Members of Parliament to obey a particular party was contrary to public policy.

Little was said about the Osborne Judgment at the Labour Party Conference, but as time went on its effects became more and more severely felt. A proposal to amalgamate the Labour Party and Trade Union Congress was carried.

During 1910 there occurred a recrudescence of unrest in the labour world. Serious strikes occurred among the miners of South Wales, railwaymen, boilermakers, cotton operatives, and women chain-workers of Cradley Heath. A refusal to accept the payment of members as a substitute for the reversal of the Osborne Judgment was registered by the Trade Union Congress. Once again the proposal to unite

Congress and the Labour Party was defeated. A proposal which was mooted to amalgamate unions by industries found favour. The administration of labour exchanges was severely criticized.

By 1911 the labour disquiet had increased to very considerable dimensions. The Osborne Judgment, by curtailing political action, tended to bring the weapon of the strike more and more into prominence.

To facilitate its reversal, one of the reasons for the judges' decision, the pledging of Labour members, was removed by the Labour Party Conference, members in future being required only to "abstain strictly from identifying themselves with or promoting the interests of any other party and accept the responsibilities established by parliamentary practice."

At the beginning of 1911 injunctions restraining unions from levying money for parliamentary purposes had already been granted against the compositors, engineers, miners, postmen, cotton spinners, and others. On 22 November, 1910, the Prime Minister had promised legislation dealing with the matter empowering trade unions "to include in their objects and organization the provision of a fund for parliamentary and municipal action and kindred objects, and to combine for such purposes, provided that the opinion of the union is effectively ascertained and no compulsion is exercised upon any member to contribute to this fund." The Right to Work Bill, which had been redrafted by the party's parliamentary counsel, was also endorsed by the Labour Party Conference, but by this time unemployment was fast decreasing and the concern of the trade unions was rather with the right to better wages than the right to employment.

Before the meeting of Congress, a great strike among

the railway and transport workers had taken place, and others were imminent. The chief reasons appear to have been the economic conditions prevailing and the refusal of the employers in many instances to receive the accredited representatives of the men.

On account of their magnitude, the circumstances of these great strikes are well worth considering in some detail

In January 1911 men were out on the North-Eastern Railway and at the Liverpool docks, the quarrel in both cases being about rises in wages, while in South Wales the miners' dispute was temporarily composed. Preparations, however, were in progress for a strike of British seamen, and foreign co-operation sought. In June the Seamen and Firemen's Union started a strike at Southampton, and a general strike was predicted.

The dispute rapidly spread to the Clyde, while at Southampton Messrs. Rea acknowledged the men's union and agreed to a committee of investigation. On 14 June a general strike was declared, the "Signal" calling the sailors, firemen, cooks, and men of other grades to refuse to engage for service on all vessels until the demands of the unions had been taken into consideration. In London, Liverpool, Manchester, Cardiff, and other ports the call was answered, and a notice was issued by the International Seamen's leaders calling on the men to refuse to sign on for less than £5 10s. a month, and demanding a Conciliation Board

Almost immediately concessions were made by the employers. Up to this time the monthly rate had varied from £3 10s to £5, and already the latter wage had been admitted by many shipowners as reasonable.

Meanwhile the dockers had seized the opportunity



to bring forward their own demands. In Southampton and Glasgow many dockers and stevedores joined the seamen. By 23 June, however, several companies had agreed to increases, and a partial settlement was arrived at. A conference of owners was held, and further concessions, involving the recognition of the union and increases of wages, were made.

Emboldened by these successes, the railwaymen, weavers, and gasworkers all began to make demands for increases in wages, and the Northumberland miners considered the question of a "national stoppage."

It was reported on 30 June that the Seamen's Conference, presided over by Sir G. Askwith, had broken down. Some of the Shipping Federation said that they could afford an increase in wages, but others refused. Disorder occurred, particularly at Liverpool, with serious rioting, and the shortage of food supplies began to make itself felt.

The railwaymen now began to threaten to leave their work, and the dockers definitely threw in their cause with the seamen. Soldiers were in readiness to proceed to Liverpool and Hull; but on 4 July many of the outstanding shipping firms conceded the terms already agreed to by the other firms, and many of the dockers and seamen resumed work, and by 11 July the seamen's strike was at an end. The average increase in monthly wages was 7s. 6d., and in many cases increases of 10s. to 15s. were recorded.

The carmen, however, particularly in Liverpool, and the transport workers generally in London, still continued their demands.

While the position in the provinces grew easier, that in London became more strained; conferences were held during the early part of July between the

Transport Workers' Union, the Port of London Authority, and the shipowners.

South Wales, also, had stood outside the general agreement, and here the strike again showed signs of spreading. Among those who joined with the seamen were coal-trimmers, millworkers, brewery employees, factory hands, and other classes of workmen and workwomen. One great obstacle to peace was that any recognition of trade unions which the employers might concede excluded the railwaymen.

With this exception, by the end of July the unions in South Wales had been recognized, and £150,000 increase had been suggested in settlement of the London dockers' dispute, and there appeared to be a prospect of the termination of that industrial warfare which had been raging intermittently through the year.

These hopes, however, were destined to be disappointed. On 1 August the dockers' demands were still unsettled. By 2 August 5,000 dock labourers in London were out, the issue apparently being whether the men should go back to work before the agreement was reached or after it.

Next day the lightermen and watermen came out.

By 9 August trade at the port of London was paralysed, but, serious as was the situation, the uneasiness was rapidly overshadowed by the threatening aspect of the railwaymen.

The railway workers, as will be remembered, had been associated, particularly in the north, with the seamen and transport workers. The trouble began on the Lancashire and Yorkshire Railway, and spread to the London and North-Western. Simultaneously the Bristol goods men on the Great Western Railway ceased work. By 9 August 4,000 railwaymen were

out on strike, and some places in the north were also affected.

On the 16 August, a week later, a joint meeting of the various railway unions offered the railway companies "twenty-four hours to decide whether they were prepared to meet representatives of the trade unions and negotiate a basis of settlement." The executives went on to declare that the "unfortunate condition of affairs had been created by the vexatious attitude of the railway companies towards the working of the Conciliation Scheme of 1907."

The Government then proceeded to organize the military to ensure the keeping open of the railways, while, on the other hand, the transport workers attempted to increase the area of their dispute.

In Liverpool the tramwaymen also came out on strike. Already traffic was partly suspended and food rising in price.

In the House of Commons the Labour Party held conferences with the Government and put the views of the men before them.

Next day the agreement between the London transport workers and their employers was signed on the basis of the earlier agreement, but by this time 200,000 railwaymen were out.

Offers for a conference were made by the Government, and these were accepted by the men's leaders. The men then gradually resumed work, and the conference, consisting of representatives of the companies, men, and Government, met on 21 August.

An agreement was arrived at that the Conciliation Boards should meet, the men be reinstated, and a special committee of inquiry appointed.

A strike broke out in Ireland during September among the railwaymen without much result.

On 21 October the railway inquiry reported they agreed that the Conciliation Scheme should be continued, but that the Central Board should be dissolved. Partial recognition of the trade unions was accorded by allowing the men at the conciliation meetings to employ, as their advocate or secretary, a person who was not an employee of the particular railway concerned.

The settlement provoked some hostility among the more advanced section of the men, but as a whole was accepted, and under it the men have received very substantial increases of wages.

This settlement, with the conclusion of a strike of taxicab drivers, concluded the industrial disputes of 1911.

It was a unique year for the severity of the strikes and the number of the men affected by them, and their occurrence, together with the great coal strike of 1912, has left a permanent effect upon the nation with regard to the respect which is now paid to the power of trade unions and industrial organization generally.

According to the Board of Trade report, the total number of workpeople involved in disputes during 1911 was 931,050, the highest number recorded in any year during the period 1893-1911. The aggregate duration of all the disputes in progress (10,247,100 working days) has been exceeded in four years only.

The number of workpeople involved in the disputes in the transport trades was 448,618, those disputes accounting for the loss of 2,750,000 working days; and the textile trades disputes affected 221,433 workpeople, who lost 1,500,000 working days. Two million working days were lost in 1911 by the Welsh coal strike, which began in 1910.

The principal causes of disputes were questions of

wages and trade unionism, the former involving 46 per cent of the workpeople affected and the latter 39 per cent.

Settlements in the nature of compromises were arranged in regard to 84 per cent of the workpeople involved ; 7 per cent of the workpeople were wholly successful ; 9 per cent were wholly unsuccessful.

By the beginning of 1912 the membership of the Labour Party had risen to over a million and a half. The number of trade unions affiliated had, however, slightly fallen, owing, in the opinion of the Executive Committee, to the operation of injunctions under the Osborne Judgment. During 1911 the cotton spinners and engineers had been added to the number of trade unions restrained from levying for parliamentary representation, and though the Government introduced a Bill to remedy the grievance, it proceeded no further than the second reading.

The Joint Board recommended the Labour Party not to support the Bill unless it were drastically amended. The question of unification of Labour forces, with a suggestion of a central building in Westminster for the Labour movement, was also suggested by the Joint Board.

The membership of the General Federation of Trade Unions also reached its highest point, over 700,000, during 1911. The Labour newspaper project at last emerged in a practical state, the scheme providing for three directors representing the Trade Union movement, three the Independent Labour Party, three the Labour Party, and one representing the private shareholders. "The Daily Citizen" actually appeared in October 1912.

The wholesale employment of troops during the strikes called for adverse comment from the Labour

Party. The National Insurance Act, under which trade unions can become approved societies, had met with general approval in principle at a special conference. The party as a whole succeeded in getting many important amendments carried.

The impending trouble in the mining trade was mentioned at the Labour Party Conference. The demand of the miners in the first place had reference to their wages in abnormal places and generally to a minimum wage. On 27 January a meeting was held between the coal owners and miners in England, excluding Northumberland and Durham.

During February negotiations proceeded, and while at one time it was thought that agreement would be arrived at, the restriction of compromise to the English area made progress impossible. On 20 February the Prime Minister invited representatives of both sides to meet him and discuss the matter. The coal-owners offered 7s. 1½d. per day for abnormal places, and 6s. 1½d. for other workings. The miners objected to these terms, but for some time the negotiations proceeded.

The miners scheduled their own demands, varying from 7s. 6d per day in Yorkshire to 6s. in the Midland area. Conferences were again renewed. On 26 February the first strike notices expired, and from then on an increasing number of men left the pits at the order of the Miners' Federation.

The miners entered the contest with over £2,000,000 of funds and a membership of 600,000.

By the 29 February 115,000 miners were on strike, and Mr. Asquith had already laid proposals for peace before the owners. The Prime Minister conceded that "upon careful consideration, there are cases in which underground employees cannot earn a reason-

able minimum wage from causes over which they have no control," and asked the owners to confer on these terms.

This the English owners were willing to do, but those of Scotland and South Wales were obdurate.

On 1 March it was reported that 800,000 miners were idle, and many other industries were ceasing to be carried on. Brickyards, potteries, ironworks, steelworks, and cotton factories were all closed down.

Meanwhile a "sympathetic" strike in France and in Germany held but little hope of assistance from importation. Railway services were suspended.

#### MINIMUM WAGE ACT

The Labour Party now held joint meetings with the miners, and rumours of a Minimum Wage Bill began to spread. Statements that the Labour Party and miners were not in accord were denied by Mr. Macdonald and the miners. Over 150,000 persons, exclusive of the miners themselves, were now unemployed. Yet further conferences were held, until finally, on the failure of the last conference, on 16 March, it was announced that a Minimum Wage Bill would be introduced within a week of that time.

Up to this time the strike is estimated to have cost £5,600,000 in wages, and to have caused the loss of twenty million days of labour.

On 20 March, three weeks after the beginning of the strike, the Prime Minister introduced the Bill. It set up in each area a wages board consisting of employers and employed, with a chairman appointed by the Board of Trade. The Board would fix a minimum wage, below which no contract of service could

be made. No penal provisions attached to the infringement, but its breach would give a right of action in a civil court.

The Bill became law some weeks later, in substantially the same form in which it had been introduced, the attempt of the miners to introduce actual figures for a minimum into the Bill having failed.

Like the railway strike, the miners' strike was justified, at any rate financially, by the result. Already under the measure considerable increases of wages have been made and the difficulty of fair treatment in abnormal places done away with. The Act has been renewed every year since that time.

The above record of industrial strife has been remarkable for the absence of any real principle or inspiration underlying the restlessness of union activity. As has already been pointed out, the pre-war period is one in which an uncritical belief in collectivism in a more or less unlimited activity by State or municipality to remedy social abuses found favour both among the leading Labour Members and the Liberals, but, from the year 1912 onwards, we note a reaction against this idea. There can be little doubt that the actual political activities of the Labour Party, were of small account during these years, though how far this can be blamed to the party itself and how far it was the necessary consequence of being a small minority in Parliament is open to question ; but apart altogether from the Labour Party, under the influence of the prevailing State collectivism, during the period between the return of the Liberal Party and the European War, we see the executive and administration obtaining greater and greater power at the expense of Parliament.



## DISAPPOINTMENT

The National Insurance Act of 1911 marks an epoch in that, in the provisions of that Act, the Government, through its Insurance Commissioners following the precedent of the Statute of Proclamations of Henry VIII, took vast undefined powers from Parliament, relying upon subsequent Governmental Orders for their expression, and, at the same time took particular care to exclude the Courts from any control over the interpretation of the Act. A less obvious but more sinister feature of this legislation lay in the fact that it divided the community for the purposes of social obligation according to their economic status more definitely than any previous Act had done. The wealthy remained free to insure themselves or not as they pleased, while obligations of compulsory insurance were impressed upon the poor. The Labour Party, it is regrettable to say lacked the imagination to resist the laying of the foundations of that servile state which has since become so forbidding an edifice.

Whether the practical experience of servile collective activity arising from such examples of legislation as the Children Act of 1908, which compelled poor women on pain of imprisonment to provide fireguards, without giving them any money for the purchase of the apparatus or the Vagrancy Act authorizing the indeterminate sentence of so-called habitual criminals, or the National Insurance Act above referred to were the chief instruments in producing a distaste for political activity among trade unions, or whether the reaction was as Mr. Ramsay Macdonald would suggest, the result of an over-confidence it is difficult to say; but,

in any event, we notice that certain notions which would concentrate the attention of trade unionism upon its own development, having arisen on the Continent, were making their influence felt in England about the year 1911.

A contempt for the Territorial State and its powers, even though it be democratic in form, is characteristic of this new school of thought which came to be called Syndicalism. Largardelle writing as early as 1906 scorns the atomic democratic view which bases all rights upon the individual. By engaging in political action, he says, the forces of the proletariat get mixed up and the unions become as confused. Political subjects are necessarily dominated by the rich, says Sorel, and politics can never free the workers. According to the Syndicalists, the workers must concentrate on the formation of industrial combinations, and the existing state is to be destroyed by means of a general strike, whereby the organizations could subdue the State to their will. In 1912 the idea of a general strike may have appeared to be fantastic, but there is no doubt that the leaders of the Bolshevik Revolution have been much influenced by the French Syndicalist movement and it will be remembered how, during the last German counter-revolution, the militarist party of Dr. Kapp was apparently paralysed by something very nearly approaching a general strike which, in that case curiously enough, was called at the instance of the Government themselves ; and it would be idle to deny that, whether a general strike succeeded or not to-day, it would be a very potent means of achieving a social convulsion. The Syndicalist movement before the war was far more popular in the Latin countries than in the Teutonic ones. In Germany, the land of

historic Marxian socialism, the belief in political action remained unaffected, possibly because the German constitution with its frustration of effective politics prevented that disappointment which has been always felt in those countries where the workers have been at all free to play with the political machine.

On 16 April, 1912, the writer of an article in "The Times" says that the existence of a strong Syndicalist movement in this country could no longer be doubted. This of course is journalism, but there is no doubt that a strong force was working particularly in South Wales to turn the trade unionists from their political allegiance towards the idea of industrial revolutionary combination. The Industrial Workers of the World, a large Syndicalist organization which became powerful in Australia and in the United States, had had but little support in this country, but the number of books published on the subject during the year or two before the war, and the much-appreciated advocacy of Tom Mann and James Connolly, shows the great interest which was being devoted to the topic.

A compromise between the rigid collectivist views of the Fabians on the one hand and the extreme anti-State ideas of the Syndicalists on the other is to be found in the growth of that typically English type of social regeneration known as guild socialism. The guild socialist idea which was started before the war notably by A. Penty, A. Orage and S. Hobson, which has now become perhaps the most hopeful and certainly the most interesting of all modern ideals for the trade union movement, is the work of comparatively few men. There is in it room for much variety of opinion. Mr. Penty, an architect by profession and a mediævalist, has been much influenced

by the beautiful and inspiring notion of the early trade guild, and advocates the local guild with all its possibility of variety as distinguished from the vast national guilds of the more Bolshevik guildsman. An opposition to mechanical production and thought give to his views a distinctive historic bias in that he and his school looked necessarily to the past rather than to the future for guidance. The majority of these, the right wing of the guild movement, are Catholic in religion. There is no doubt that their outlook is not at all characteristic of the modern spirit, and, for this reason, it may well be that they will have more abiding influence in the end than those who, accepting the more fatalistic secular trend of the times, try only to divert that leaden spirit into channels of their own devising.

While the Catholic guildsmen are in the truest sense of the word reactionaries and largely agree with the theocratic views of Belloc and Chesterton, the tendency of the majority of the guildsmen was from the beginning more in the direction of the Syndicalist idea. They, like the capitalists and the collectivists accepted the modern world at its own value and are concerned only to find means for the more equitable distribution of wealth and control of production. From this point of view, the multiplication of machinery and vast production is without offence so long as the instruments of production are in the hands of the workers' class, and they have shown, particularly after the Russian Revolution a greater and greater sympathy with the notions of Bolshevism, which tends to set them apart from their more mystical colleagues who tend to look upon economic institutions merely as means to achieve the good life and the Kingdom of God and not as a final goal in themselves.

## THE EUROPEAN WAR

Before the war these differences, though latent, were not so acute as they are to-day ; but it is impossible to understand the trade union movement unless the various schools of thought which competed for the allegiance of the mind and spirit of the trade union leader be appreciated. Thus even before the war we find a very increasing number of trade unionists definitely ranged upon the side of those who wish to end the existing system of capitalistic monopoly and production for private profit, but, among these schools, there is to be found great divergence when once the consideration of the form of remedy for social evils is in debate. The existence of eight years' Liberal legislation, not to speak of the experience of war, has produced in the minds of many workers so violent a distaste for State and municipal activity that, notwithstanding the fact that they still interest themselves in the capture of seats in Parliament and on local authorities, the old Fabian collectivism may be considered to be dead. In its place arose the notion that, while the State should remain the legitimate owner of capital and represent the citizen as such, production should be carried on by the trade unions, extended to include the professional technicians in their respective trades.

In August 1914 questions of the respective obligations of patriotism and international working-class solidarity were presented to the trade union movement in an acute form. In nearly every belligerent country there was a cleavage of opinion on the subject, and in nearly every such country the patriots were in a

majority. The engineering trades in particular, on account of the fact that their work involved the production of munitions were particularly affected by the war. In March 1915, a conference was held by the Treasury and, as a result, the union leaders agreed to suspend their customs, whereby they had prevented unskilled workers doing skilled work; they also agreed to the suspension of the right to strike on munitions work and to compulsory arbitration. This agreement found expression in the Munitions of War Act 1915. The necessity of the Government compelled them, in order to secure assent, to deal with organized labour as such, and this fact greatly increased the status and power of the trade unions. They were given direct rights of representation before the tribunals set up under the Munition Acts and, by an important decision (*Guillet v. Bentall*) in the Munitions Appeal Court, it was decided that it was illegal for an employer under that Act to dismiss a man because he was a trade unionist. The miners stood outside the Munitions Acts and in 1915 there occurred a strike in South Wales. An attempt was made by the Government to coerce the miners by proclaiming the South Wales coalfields under the Munition Acts, but it was a failure, and the men carried their points. We notice during the period of the war an enormous increase in the membership of the unskilled unions, in particular amalgamations into larger and larger unions went forward. Women also who were employed so largely during the war became organized and the non-unionists in industry became more and more an exception.

The desire to form trade unions spread to the middle class and simultaneously the employers formed themselves into large federations. At the end of the war the employees of England it may be truly said, were

mostly grouped or organized into one trade union of another. In 1915 there were well over four million trade unionists in England. The increase had started before the war but was so much accelerated during that period that to-day it would appear that the numbers of trade unionists are very little short of six millions. As regards political matters, during this time the Labour Party, in 1915, entered into a coalition with the Liberals and Conservatives, with Mr. Arthur Henderson in the Cabinet, and this act drove the members of the Independent Labour Party who, unlike the Labour Party, were opposed to the prosecution of the war, into opposition. During this period the Labour Party was to all intents and purposes in schism, and it was not until the defeat of the whole of the Independent Party, in the election after the Armistice and the termination of the coalition so far as Labour was concerned, that harmony was once more restored inside the Labour Party political movement.

The rates of wages which had been fixed by many awards statutory and voluntary during the war were continued until 30 September, 1920, at the same level by means of the Wages (Temporary Regulation) Act, but after that time the statutory maintenance of wages was removed and the field once more left open to conciliation and the strike. We have to note, after the termination of war, the railway strike of 1919, which is interesting in that the strike was really directed against the Government itself, who did not use any legislative or executive powers to cope with the matter but relied for the most part on large posters and inspired articles in the Press; in the result a compromise was arrived at. More recently a general miners' strike resulted in the Government passing into law an Act enabling them to commandeer materials

and property in case of national strikes, but a provision was expressly inserted by the Labour Party in the Act that nothing in the Act should prevent the right to strike or the right to induce others to do so.

The magnitude of recent industrial disputes and their serious consequences have given rise to a distinction which has found expression in law in nearly every country except England between a strike which menaces national security and one that does not. The distinction cannot be maintained on individualistic grounds, for it is clear that there is no reason why an individual who makes luxuries should be any more or less free to dispose of his labour as he wills than a person engaged in useful work, and the distinction, if any, can only be made on account of the community and cannot be based on the rights of the individual, and a final conclusive view on such a matter must really turn upon the question whether in the last resort the moral liberty of the individual or the security of the State is the more important consideration.

But to those who look beneath the surface of events it is clear that the real important feature of these later years is not any particular dispute but the extraordinary growth in the independence and aggressive outlook of the working man. The desire of the workers to obtain control of their industries is rapidly increasing, nor is it, as so many movements have been in the past, one inspired by excitable leaders; the leaders, on the whole, are a conservative and restraining force, many of them are old, and their political philosophy, if they have one, is saturated with the Fabianism of the eighties. It is in the growth of the shop stewards' movement and self-supporting guilds that we detect the new idea in operation, and it may be said that, in



one form or another the notions of the guild and of the control by the workers of their own industry have found general acceptance among them.

The demands of the miners before the special commission in 1919, when their claim for half the control of their industry was practically agreed to by the chairman of that commission, a Judge of the High Court, and the recent rapid development of the self-governing building guild is another indication of the growth of the claims of the workers to free expression in their work. On the other hand there are many sinister features in the present condition of England and Europe which make one hesitate to say that this claim of the workers will receive any governmental support. We have to recognize that the employers, federated and strengthened as they have never been in the past, and supported by a majority in Parliament entirely in accord with their interests, are unwilling for the most part to concede to the workers any substantial interest or control. We have further to realize that the mass of the trade unionists themselves, like the employers and the State who are opposed to them, are largely moved by materialistic considerations. The Nonconformist piety of the former trade union leader has disappeared, and the bulk of the labour movement of to-day is for the most part unmystical and accepts all the secular values which society as a whole has upheld since the Reformation. In this matter, the Bolshevik revolutionary is, in truth, more wholly the servant of the capitalist system which he affects to despise than he is aware of. The decree of compulsory labour of the Russian Government (1919) abolishes all freedom to choose occupation, while the party which supports the Russian Government, the Russian Communist Party, has declared

that the Socialist regime repudiates categorically the principle of freedom of labour; Lenin has even gone so far as to denounce "habits of domestic happiness" in his supporters; and it is as yet among but a small proportion of trade unionists that the great purpose of industry to make man a fitting temple for the Holy Spirit and to establish the Kingdom of God on earth is appreciated.

## CHAPTER V

### MODERN GOVERNMENT

#### NATIONAL GOVERNMENT

THE national direction of the Labour movement of the United Kingdom is now vested in three bodies: the Labour Party Executive Committee, the Parliamentary Labour Party, and the Trade Union Congress, the former two of which derive their authority from the same organization, the Labour Party. As has been already indicated, the Trade Union Congress, which is the most ancient of these bodies, has been in decline, and for various reasons is ceasing to perform those vital functions in the Labour movement which it formerly did. The original manifesto of 1868 under which the first Congress was summoned gave to that body a number of objects which were political rather than industrial, and the failure of the Congress to undertake or control the political Labour movement deprived it of one of its essential purposes. For many years it refused wholeheartedly to recognize the Labour Party or its work at all, and as time went on its interventions in politics frequently contradicted the demands of the Labour Party or confused them. The power of Labour was not increased by such conflicting forces nor was its dignity enlarged by the annual deputations which Congress was in the habit of sending to wait upon the Prime Minister of the day.

Nevertheless Congress has continually increased in membership and one is almost tempted to think that its numbers grow in inverse proportion to the usefulness of the organization. The membership is now nearly 6,500,000, and at last, after several years of apathy, the Congress in 1917 instructed its Parliamentary Committee to establish a Statistical and Intelligence Department; but such a proposal, if ever it comes to be realized, can at best only hope to duplicate the work which is already being done by the very efficient Labour Research Department and the advisory committees of the Labour Party, nor is it likely that the more skilled members of the Labour movement in this difficult class of work will readily surrender their independence and initiative to the official direction of Congress. (See Appendix p. 96).

The Trade Union Congress has been no more happy on the industrial than on the political field. The alliance of miners, railwaymen, and transport workers, which was formed in 1915, with a membership of 1,500,000 engaged in essential services, holds the real command of the industrial situation; it is altogether independent of Congress and perhaps has largely come into being through the pusillanimity of Congress itself, while other large federations such as that of the National Federation of General Workers, Textile Trades, Building Trades Operatives and Engineering Trades, all constituted or remodelled during the war, are likewise completely independent of Congress and unlike that body have a power to carry out their decisions which Congress completely lacks. The knowledge of these facts induced Congress in 1920 to redraft its constitution—the new scheme is set out at the end of this chapter.

When faced with real responsibility Congress is in

the habit of acting jointly with the Labour Party through a body known as the Joint Board, to which the General Federation of Trade Unions was also federated. In 1916 that body was excluded from the Joint Board, and thus from all effective share in the government of the Labour movement; and with the simultaneous loss of international influence formerly exercised by that federation, it ceased in any real sense to represent Labour.

The Labour Party agreed to a revision of its constitution in 1918, whereby it became possible for individuals to join the party through a local Labour Party, without being either trade unionists or socialists. It is interesting to consider what the opinion of persons may be who feel justified in joining the Labour Party but do not desire to join any trade union or Socialist organization.

It would appear that such persons must be prepared to accept the creed known as "Labour and the New Social Order" which contains four canons: the Universal Enforcement of a Prescribed Minimum of Health, Leisure, Education and Subsistence. The method is to be that of legislation, and the implications of such a scheme were, to some extent, defined at the Party Conference of 1920. (See Report p. 181). The degree of governmental inspection involved, and the perpetuation by law of capitalism, have already produced a distaste for this ameliorative method in the more active and democratic members of the party. The second term in the basis is the Democratic Control of Industry, but this is not defined, at any rate it can be said that while the Labour Party has never committed itself to the guild idea in its entirety, many of its constituents, in particular the Miners, Railwaymen and Builders, have repudiated the demand

for the State nationalization of their industries, while the new rules of the Engineers appear to contemplate a co-operative and not a collectivist commonwealth.

The Labour Party is much assisted in its work by experts, grouped together in advisory committees, and in the Labour Research Department to which the national bodies are affiliated. This body is a unique organization which more and more is becoming the depositary of exact knowledge in the Labour Movement; its publications, which are many and valuable, have recently been taken over by the "Labour Publishing Company," but other functions, such as the preparation of facts during industrial strife, etc., and the collection of national and international information continue to make it an invaluable adjunct to militant Labour.

We have next to consider those large federations which cover an industry or group of industries. Most of them have arisen since the war and have already been mentioned. They are usually transitional in character and generally result in a more or less complete amalgamation of their constituent bodies. Thus the Miners' Federation of Great Britain, founded in 1888, has gradually but steadily entrenched upon the autonomy of its constituent bodies; the Federation of General Workers, founded in 1917, has already decided to ballot its trade unions for a general amalgamation. Many other federations, of varying degrees of internal independence, have similarly passed from the federal condition to that of a single sovereignty, so that to-day we find that nearly the whole trade union movement is organized in about a score of large organizations, and such small bodies as still manage to survive carry on a precarious existence which any serious dispute or trade depression may at any time terminate altogether. During 1920, thirteen important amalgamations have

absorbed no less than thirty-one unions and a further 3,000,000 workers are involved in proposals for amalgamations which are now proceeding.

A remarkable similarity of structure distinguishes these large new amalgamations. To some extent the State, by using the trade union as its agent for the purpose of health or industrial insurance or governmental arbitration and award, has tended to stereotype the constitution of the modern trade union.

Broadly speaking, a typical large trade union is now carried on in a manner superficially not unlike a government department or a large trading concern. There is attached to it an efficient clerical staff, equipped with all the devices of filing, registering and docketing with which modern industry has made us so painfully familiar. Telephones, typewriters and other mechanism are to be found, nor in these respects does one organization differ profoundly from another. The workers at the head office are usually housed in a large fabric not unlike a general post office or municipal building. In all respects the æsthetic environment of the modern trade union official and staff in the conduct of their affairs closely resembles that of the government civil servant or official of a limited company.

Efficiency has become the characteristic of the trade union official of to-day and superficially he is severely practical.

It must never be forgotten, when we consider the modern trade union movement, that the younger generation of trade union officials is far better educated and more developed on the moral side than are the bulk of the so-called "middle classes." The unfortunate superstitious reverence for persons in high places which is one of the most pronounced diseases

of the bourgeoisie has been cured in the case of the labour leader by constant contact with these exalted persons in conference, in arbitration, and at the sittings of Royal Commissions. Where the middle-class city merchant is perhaps responsible for the handling of thousands of pounds the Trade Union official deals in millions. While the stockbroker's responsibilities are limited to his wife and his children, the duties of the trade union official often extend to the care of many thousand families. The city man is dependent for his information upon the columns of his newspaper, the labour leader generally obtains his news first hand. Finally to achieve his position the trade unionist has had to undergo a severe testing and training, the middle classes, if not fed from birth with silver spoons have at least been nourished from plate.

Under all these circumstances it is not surprising that the effete, ill-educated, egoistic, and parasitic portions of the mercantile community should view the emergence of the modern young trade unionist with so much apprehension. They recognize in him a challenge which they are unable, through years of anæmic indulgence, to accept, and their secret hope is that he may be stung through an overwhelming sense of social inequity into some such breach of law or manners, or other social indiscretion as Englishmen are loath to forgive.

This, however, is the last thing which the Labour leader will ever do ; irresponsible revolutionaries may provide briefs for public prosecutors, but our hero, educated in adversity, with the complete control of himself and his followers, has an almost inhuman command of his temperament.

In him, as a rule, you will seek in vain for that spontaneous and consuming indignation which charac-



terized the departed great ones of Labour, which was the life of Keir Hardie, William Morris, Jean Jaurés, or Jack Cade. The modern leader has alike thrown over the fire of the revolutionary and the complacent smugness of the Victorian. His progress is perhaps pedestrian, but he may reach his end.

We may imagine some such type slowly but surely gaining possession of the control of the vast amalgamations which now cover the trade union field. In some unions the government may be vested in a cabinet in perpetual session—the Amalgamated Engineering Union is such an example; in others the executive may meet intermittently and power be vested in the General Secretary, but in every case we must recognize that the direction of high industrial politics is, and must necessarily be the affair of a very few. Indeed, it would scarcely be an exaggeration, when forms are disregarded and realities considered, to say that not many more men are finally responsible for the direction of the Labour movement than dictate, under democratic forms, the policy of the country itself.

This is not to say that there is not considerable autonomy in minor matters given to districts, branches, work committees, and even to shop stewards. If we consider the new rules of the Amalgamated Engineering Union we have both in the extent of its objects and the complexity of its constitution an object lesson of the new model.

This great body requires for its government nearly five hundred rules and sub-rules; its officials would constitute a respectable civil service for a small State, its objects are so multifarious that there are few things, from "the extension of co-operative production to assist in altering the competitive system of industry," down to the provision of normal trade union benefits,

which are not included. It has intimate relations with the State through the Insurance Act and otherwise, and during the war and even to-day takes an active part in formulating national industrial policy and is recognized by the Government, as indeed are all the other large organizations, as accredited to speak as the representative body on behalf of those employed in the industries for which it caters.

Through its affiliations both national and local, it takes its part in formulating public policy. In national affairs it is unable, at present, to do more than register a series of protests, but on many local municipal bodies the responsibilities of government already rest with the Labour Party and its constituent trade unions.

The dangers of oligarchy in the Labour movement are still considerable but, on the whole, the spread of education among the members and the effects of the European war have been to make the rank and file less patient than they were in Victorian times of official direction. The danger is not so much that the workman will be dominated by the official as that both official and workman, together with the capitalist and politician and indeed the whole nation will alike be strangled in the coils of an ever-encroaching cynical materialism.

In the past much of the activity of trade unions has been taken up with the work of organization, with the conversion of the sceptical or hostile and with the preservation of existing membership. Now that trade unionism among the workers has become the rule rather than the exception, the necessity for these efforts has diminished, at any rate among most skilled workers; and herein may lie a fresh danger for trade unionism, for if the experience of political and religious

bodies be any guide, the salt of opposition is very necessary to keep institutions fresh, and there is a very real peril that, with the passing of the poignancy of contest, that almost universal morbidity of the secular institutions which have not to fight for their existence may begin to show itself in trade unions ; and it is vital, therefore, in their own interest, that they should be continually challenging and encroaching upon the dominion of the capitalist if only to keep the enthusiasm of their own members at a high pitch.

Any such acceptance of the present inequitable system of private monopoly, such as profit-sharing or Whitley councils would perpetuate, must inevitably lead to the revolt of the more revolutionary members, materialist and idealist alike. In a perfect state we desire no change, but the tacit acceptance of inequity must bring in its own destruction.

#### DEMARCATIION DISPUTES

It must be observed with regret that the encroachment of the trade union organizer has sometimes been upon another trade and not directed against the employer at all. The reason for this unfortunate fact is not far to seek. Despite the recent consolidation of trade union forces there is still an almost complete absence of scientific demarcation between one trade union and another. The science of the physiology of trade union structure has been the work of one man, Mr. G. D. H. Cole, but unfortunately the present confusion of industrial, craft and general union was developed before Mr. Cole was born.

In this welter, we have first to recognize the indus-

trial union, for it is on this type of organization that the future principally depends. Until 1889 the trade unions were composed almost entirely of skilled workers, organized according to their craft, but the more modern industrial unionism seeks to include in its associations everybody engaged in the particular industry whether they be skilled or not. The Miners' Federation of Great Britain and the National Union of Railwaymen, dating from 1913, are the leading examples of industrial unions. They include in membership everyone engaged in or about a mine or railway respectively.

This being recognized, it will be clear that the presence of a craftsman, say an engineer in a mine or railway shop is fraught with difficulty. To which union should he belong, the craft or the industrial union? Disputes on such questions have raged fiercely and have finally found their way into the law courts, for no domestic forum inside the trade union movement has so far proved capable of dealing with them. The facts set out in the reported case of "*Valentine v. Hyde*" (Law Reports, 1919, 2 Ch. D, p. 129) show the lengths to which trade unionists have gone when they have become heated over a demarcation dispute, and this is but one of a series of law suits. The particular trouble between the miners and the engineers has now been happily adjusted under a scheme which provides that while the craftsman shall remain in his own union, he becomes subject to the industrial union while in the particular industry over which that union has control.

Another difficulty fruitful also of dispute and litigation has arisen between what are called general unions on the one side and unions catering for particular classes on the other. This type of dispute will

also be found in the law reports, notably in the case of *White v. Riley* (1920), in which it was held in the Court of Appeal that a dispute of such a character is a 'trade dispute' in law within the Trade Disputes Act, 1906, reversing Mr. Justice Astbury in *Valentine v. Hyde*.

The problem of the general union is a serious one. These unions of which the Workers' Union, founded in 1898 is a most conspicuous example, have done invaluable work in breaking new ground in unorganized areas, but they are, for the most part, aggressive in character and the position of their officials largely depends on their success in enrolling new members. As the field of recruitment among non-unionists becomes smaller, the temptation to encroach upon the preserves of the older societies increases, and so far the general unions have declined to confine their attention to the unskilled, and some go so far as to preach, and act upon, the doctrine of the one universal union, of which they see themselves the prototype.

From what has been said it will be realized that the office of the organizer of a large trade union is no sinecure; he must have regard to the claims of other societies, he must satisfy his own executive committee and the men for whom he acts alike, and the degree of importance attached to some local dispute by enthusiastic young men on the spot and the officials in London will not always be the same. If the working classes are slaves, as the Marxian would have us believe, the organizer is indeed *servus servorum*, and upon his brow he bears the triple burden of employer, worker, and executive committee.

The organizer usually acts for a district area, midway in territorial extent between the jurisdiction of the executive committee and the branch. In the district

there is usually a district council, but the organizer, as a rule, is an official of the whole union.

The district council has varying powers in different societies; in some cases it has the power to call strikes, which often need the endorsement of the central executive; in others the central body jealously control or deny any desire for district autonomy. The degree of control often finds its expression in the absence or presence of centralization of the funds.

The danger of undue sectionalism in the provincial areas has been remedied to some extent by the institution of local trades councils and Labour parties on which the local district and branch bodies are represented. The Labour Party gives to such local parties direct representation on its Executive Committee and in its general conferences, but Congress, very unwisely, has now for many years excluded the representatives of the local trades councils—unwisely, because it is in such bodies that a more spontaneous democratic spirit is likely to arise than in the larger ones and new blood is first there able to make itself felt.

#### LOCAL COUNCILS

We have already had occasion to notice the institution of the London Trades Council in 1860. In 1861 it was already acting as an organ to advocate the constitutional reforms of "the Junta." In 1865 the Council under the guidance of George Potter was becoming more revolutionary and had the temerity to support strikes, and later it largely became an appanage of the Social Democratic Federation, ruled by Tom Quelch. This fatal step wrecked it as an expression of ordinary trade union opinion, for the

average trade unionist of the time was quite incapable of appreciating the economic and historical subtleties of Karl Marx. But, as regards the provincial trades councils, the real menace to their continued usefulness lay rather in the growth of independent political Labour organs constituted for purposes similar to their own. The transition from contempt to suspicion, toleration and final submission to the Labour Party, which has characterized Congress, was repeated in most of the local areas, so that, to-day, the local trades council, absorbed into or amalgamated with the local Labour Party, has at last found a means of national expression through the Labour Party and a field of work in municipal Labour representation which it was for some time in danger of being denied.

Finally we come to the branch, and to the very modern, yet far more personal unit, the works committee. The fact cannot be over-emphasized that, until the formation of works and pit committees and similar bodies, it was in the branch alone that the worker, for whose protection the elaborate edifice we have endeavoured to describe, was erected, lived and had his industrial being.

To-day, in works committee and pit, the worker's personal knowledge, interest and responsibility is being deliberately revived by those who understand and value human interest best, but this is a very recent development. The able, the ardent, the bumptious and the glib might at any time pass from the public-house in which the branch usually met to the district, division, executive committee or Parliament; but, until very recently, until the notion of workers' control by shop committee and steward had arisen, for the ordinary worker, the weekly deposit of subscription, the receipt of benefit and the

reading of correspondence for the most part unintelligible in that he lacked the context, was the beginning and the end of his trade union life. The test of interest is to be found in the ballot. In matters not directly effecting the rank and file a twenty per cent vote of the trade union electorate is a matter of congratulation. Even on such vital subjects as amalgamation it is very difficult to obtain the fifty per cent vote required by Parliament under the 1917 Act. This apathy is common to all vast organizations, for it is the Nemesis of representative democracy that, by widening its electorate, it only increases its impotence. The impersonal nature of the vast trade union is a real danger if it is to result in a lack of vitality in its constituent membership. In this mechanical age far too many people are ready to accept imposing statistics as a substitute for life, but far-seeing trade union leaders are alarmed at the danger of atrophy from below, which, if not redressed, must result in a creeping paralysis of the trade union movement.

The argument which is sometimes advanced that in so far as employers have federated into vast concerns the workers must likewise federate contains a fallacy. The employers do not federate themselves but their capital; the workers are still many, they are few. The problem therefore of maintaining the interest of millions does not arise in the case of those whom Mr. Keynes has immortalized as "the hardfaced men."

The real remedy for this subtle but deadly indifference is the same whether the problem lies in the political field or in the organization of trade unions; there is only one way in which a democracy can be made effective and lasting, and that is by giving to each



man personal responsibility, and restoring to him that sense of individual dignity which to-day he too often lacks. The notion of the guild, tested in operation among the builders, has already shown that when once the worker can be induced to shoulder responsibility and the employer can be compelled to grant him his natural rights—a far harder task—his interest and enthusiasm immediately revive; but it will not be until the exaggerated belief in the right to control without responsibility, symbolized by the vote, is abandoned as utterly inadequate for human needs that this desirable state of affairs can come about.

Although this book resolutely eschews statistics, the following figures showing growth of the Labour Party since its foundation in 1900 may be of interest.

	Trade Unions.		Trades Councils and Local Labour Parties.		Socialist Societies.	
	No.	Membership.	No.	No.	Membership.	Total.
1900-1	41	353,070	7	3	22,861	375,931
1901-2	65	455,450	21	2	13,861	469,311
1902-3	127	847,315	49	2	13,835	861,150
1903-4	165	956,025	76	2	13,775	969,800
1904-5	158	855,270	73	2	14,730	900,000
1905-6	158	904,496	73	2	16,784	921,280
1906-7	176	975,182	83	2	20,885	998,338
1907	181	1,049,673	92	2	22,267	1,072,413
1908	176	1,127,035	133	2	27,465	1,158,565
1909	172	1,450,648	155	2	30,982	1,486,308
1910	151	1,394,402	148	2	31,377	1,430,539
1911	141	1,501,783	149	2	31,404	1,539,092
1912	130	1,858,178	146	2	31,237	1,895,498
1913	*		158	2	33,304	*
1914	101	1,572,391	179	2	33,230	1,612,147
1915	111	2,053,735	177	2	32,838	2,093,365
1916	119	2,170,782	199	3	42,190	2,219,764
1917	123	2,415,383	239	3	47,140	2,465,131
1918	131	2,960,409	389	4	52,720	3,013,129
1919	126	3,464,020	433	7	47,270	3,511,290
1920	139	3,398,000	391	6	53,000	3,709,000

So also are the figures showing the growth of the Trade Union Congress.

Year.	Place.			Delegates.	Membership.
1868	Manchester	..	..	34	118,367
1878	Bristol	.	..	36	623,957
1888	Bradford	..	..	165	816,944
1898	Bristol	..	..	406	1,200,000
1908	Nottingham	..	.	522	1,777,008
1918	Derby	..	..	876	4,516,107
1919	Glasgow	..	..	851	5,283,676
1920	Portsmouth	..	..	955	6,505,482

#### REGISTRATION

The Trade Union Act of 1871 provides for the registration of trade unions. The advantages to be obtained from registration are not very obvious; they include a right to prosecute members and officials who withhold sums, and a limited exemption from income-tax with regard to provident benefits. Certain legal assumptions as to whether the society is a trade union also follow from registration.

On the other hand, there is the somewhat serious obligation of reporting to the registrar annually as to the finances of the union, and in other matters, such as the alteration of rules, the union comes under the jurisdiction of the registrar; otherwise, apart from the compliance with the rules for a political fund laid down in the Act of 1913, a union which is not registered escapes the surveillance of the registrar altogether, and, for political purposes, can obtain a certificate from him that it is a trade union without being in any way under his control.

Nevertheless, about three-quarters of the trade unions in the United Kingdom appear to be registered,

and of large ones, the Typographical Association is almost unique in being unregistered.

The fact of registration affects the constitution, for, by the Act of 1871, a trade union desiring to be registered must have and register rules which must provide for the following matters :—

1. The name of the union and its place of meeting.

2. The whole of the objects for which the trade union is to be established ; the purposes for which the funds thereof shall be applicable ; the conditions under which any member may become entitled to any benefit assured thereby ; and the fines and forfeitures which it resolves to impose on any of its members. The court, however, will not prevent a trade union carrying out one of its lawful objects, provided for in its rules, merely on the ground that the rules do not contain the machinery necessary for carrying out such object.

3. The manner of making, altering, amending, and rescinding rules. Where the rules contain a provision for alteration effectual when carried by a stipulated majority, every member is bound by alterations thus duly approved.

4. A provision for the appointment and removal of a general committee of management, of a trustee or trustees, treasurer, and other officers.

5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.

6. A provision for the inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union. The members of the trade union are entitled to employ an accountant to inspect the books and accounts for them, provided that the accountant gives an under-

taking that the information obtained will only be used for informing his clients of the result of the inspection.

7. A provision for dissolution.

#### LEGAL POSITION

From a legal point of view a trade union, whether registered or not, occupies an anomalous position. It is neither a corporation nor an individual, nor a partnership between a number of individuals. No change was introduced into the constitution of unions by the Act of 1871. They remain voluntary associations of which the law can take no special cognizance as collective bodies, the object apparently being to make careful provision that they should not have any corporate existence or capacity whatever. Nevertheless, although the intention of the Act of 1871 was to avoid incorporation and the attendant consequences, the Legislature in giving a trade union the capacity to own property and the capacity to act by agents has, without incorporating it, given it some of the essential qualities of a corporation. Thus it can act by its agents, and is limited in its powers to such purposes as Parliament has expressly enabled it to undertake.

It is in consequence of this doctrine that the famous "Taff Vale" and "Osborne" judgments were made, the former holding unions liable for the wrongful acts of their agents, the latter declaring that it was not within the power of a trade union to return and pay members of Parliament.

Another legal peculiarity of trade unions is that although the execution of the purposes of trade unions involves extensive interference with the free disposal

of labour and capital, which would make them liable at common law, "for he that hinders another in his trade or livelihood is liable to an action for so hindering him," immunities from liability for such interference have been conferred upon trade unions both by the Trade Union Act 1871, and the Trade Disputes Act 1906, which expressly saves trade unions from certain consequences which formerly attached to them, though such immunities, save that one which saves a union being sued for injuries committed by the union or its servants, are limited to interference in cases where a "trade dispute" is in contemplation or furtherance.

Yet another legal peculiarity of trade unions is that courts of law cannot entertain actions between members of a trade union, except in certain rare cases, when the union is lawful apart from the Act of 1871. Thus, in the following matters the courts are powerless to intervene—namely, with regard to the direct enforcement of :

1. Any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ, or be employed.

2. Any agreement for the payment by any person of any subscription or penalty to a trade union

3. Any agreement for the application of the funds of a trade union

- (a) To provide benefits to members ; or,

- (b) To furnish contributions to any employer or workman not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union, or,

- (c) To discharge any fine imposed upon any person by sentence of a court of justice.
4. Any agreement made between one trade union and another.
5. Any bond to secure the performance of any of the above-mentioned agreements.

The legal difficulties as to the use of trade union funds for political purposes have been met by the Trade Union Act of 1913 of the Government, which enables trade unions who have passed a resolution approving political action to make such an activity a lawful object of the union. There is a duty placed upon the union to notify the members that they may claim exemption from paying to the separate fund which has to be established for political purposes, but such notification need not be sent directly to every member of the union.

In its original form the Bill provided that this notification had to be sent to every member, but the Labour Party, in Committee, succeeded in obtaining the present far more satisfactory method.

The notice having been given, a member may claim exemption by filling up a form which he can obtain from the registrar of friendly societies or the trade union office.

By the same Act all activities of trade unions which are otherwise lawful are legalized, and thus the right of trade unions to engage in any lawful activity they please is once more established.

#### STRUCTURE

Mr. G. D. H. Cole in his "Introduction to Trade Unionism" points out that there are still many

hundreds of small unions consisting only of a single branch in which the executive committee is elected at a general meeting by a show of hands. There are also several quite large single-branch unions such as the London Society of Compositors, but in such cases a devolution is generally effected by some sort of works committee such as the "Printers' Chapel."

We have already spoken of the new Amalgamated Engineering Union in which the rule-making body is a national committee composed of two representatives from each division. The divisional committee is made up of representatives from district committees and they in their turn are composed of branch representatives within ten miles grouped by the executive, together with a number of direct representatives of the shop stewards.

This last provision is an extremely important innovation, for it recognizes in the trade union world the value of functional as opposed to territorial delegation. It is likely that the principle, now that it has been recognized in so large a society, will spread, and that the tendency towards organization on an industrial basis generally may more and more find its reflex in the constitution.

We have already seen how the Amalgamated Engineering Union is administered by a system analogous to cabinet government with an executive in constant session, in the case of the National Union of Railwaymen the government is more directly bureaucratic, that is, the executive committee meet at comparatively rare intervals, the members carry on their railway work, and therefore, subject to this rather remote control and the control of the annual general meeting, the chief officials,

the industrial secretary, the parliamentary secretary, and their assistants, are vested with practical sovereignty. Four departments of railway work are represented on the executive and devolution is sought to be effected by means of district councils, but unlike the district and divisional committees of the Amalgamated Engineering Union, these councils have no executive powers at all, and consequently there has grown up a number of unofficial protestant bodies, such as the Liverpool Vigilance Committee, composed of the more advanced members, without official funds or recognition, displaying all those symptoms of undisciplined enthusiasm and suspicion which are so often to be met with in bodies and persons of no responsibility.

The miners' federations vary in constitution, but broadly speaking, the constitution of these bodies is more autonomous than that of either the railwaymen or the engineers. The condition of the industry is such that the members at work at a particular pit are in constant association and they readily group into the lodge which is the normal unit of the mining union. Over the lodge comes the district, and, above the district, the association, which is usually a registered trade union and the legal unit. Finally, the associations are linked together in the Miners' Federation of Great Britain.

There is no doubt that the nature of the particular trade and historical accident have had much influence in moulding the particular form of constitution to be found in a trade union, but, broadly speaking, by a curious paradox, the more old-fashioned unionists, such as the miners, have been the most democratic and have attached an importance to the idiosyncrasy of the individual which the more militant have been



quite ready to sacrifice to the interest of a supposed efficiency in what they term the "class war."

There is little doubt that, if the tension between the federations of capitalist and worker becomes more acute, as some anticipate, the notion of the rights of the individual will tend to fall into the background ; it is no mere political accident which has caused the fall of Liberalism. The liberty which is claimed to-day is, for the most part, the liberty of the group. Political theorists and men of action are alike concerned to preserve the organization against the State, and the new notion of functional right is too often an idea of freedom for group activity alone and but seldom concerns itself, save indirectly, with that belief in the dignity and freedom of the individual to which the earlier Radicals attached so much importance.

The German hypostatisation of the State is paralleled by the modern revolutionaries' exaltation of the industrial group ; in both cases the fact that association is made for man and not man for the society is apt to be overlooked.

Thus the real problem of trade unionism, like all other real problems is in the ultimate a philosophic one. The danger that the worker, now crushed by the capitalist, may in the future be controlled by the State in his hours of leisure and by the trade union hierarchy in his time of labour is a real one ; unless the trade unionist will constantly bear in mind that his primary object should be to give freedom to the worker and not to exalt the trade union, his success may prove to be but the institution of another tyranny in the place of that which he has overthrown.

## APPENDIX

THE NEW TRADE UNION CONGRESS STANDING  
ORDERS*Date of Meeting*

1. The annual meeting of the Congress shall be held during the first week in September, commencing on the first Monday.

2 On the first day Congress shall assemble at 12 o'clock noon prompt ; on each succeeding day at 9.30 a.m , adjourn at 1 p.m , reassemble (Wednesday excepted) at 2 p.m., and adjourn for the day at 5 p.m.

*Delegates' Qualification*

3. The Congress shall consist of delegates who are or have been *bona fide* workers at the trade which they represent, and are legal members of trade societies ; but no person can be a delegate to the Trade Union Congress unless he is actually working at his trade at the time of the appointment, or is a permanent paid working official of his trade union

No representative shall be accepted as *bona fide* other than direct representation from trade unions.

The delegate's name, the number of members in the society, together with the amount of the society's contribution, shall be forwarded to the Secretary of the General Council fourteen days prior to the meeting of Congress.

*Basis of Representation*

4. Trade societies, by whatever name they may be known, shall be entitled to one delegate for every 5,000 members or fraction thereof, provided always that they have paid an annual affiliation fee of 1d. per member upon the full numerical strength of the society—probationary, free, or otherwise—towards the expenses of the General Council for the past year, and 10s. for each delegate attending the Congress. The names and addresses of the delegates must be forwarded to the Secretary fourteen days prior to the date fixed for the meeting of Congress.

A credential card shall not be issued to any society which has failed to comply with the foregoing conditions.

*Congress Officials*

5. The Chairman of the General Council for the past year shall be President of the Congress, and the Vice-Chairman, the Vice-President, and the Secretary of the General Council shall be the Secretary of the Congress. The Chairman shall deliver the opening address, which shall not exceed thirty minutes.

*Appointment of Committees*

6. Special committees shall be appointed to deal with questions affecting the different industries, and where the propositions are of a technical character they shall be remitted to committees composed of

representatives from the societies whose members are engaged in the industry to which the proposition refers, who shall fully consider the same and report to Congress.

### *Tellers and Ballot Scrutineers*

7. The General Council shall nominate six or more Tellers and seven Ballot Scrutineers from the names of delegates received not later than 31 July in each year. The nominations shall be submitted to Congress for approval.

### *Voting*

8. The method of voting shall be by card, to be issued to the delegates of trade societies according to membership, and paid for (as per Standing Order No. 4) on the basis of one vote for every 1,000 members or fractional part thereof represented.

Such cards to be issued to delegates by the Secretary to the General Council before the meeting of Congress.

*[It will only be necessary to resort to this method of voting in divisions that may be challenged by delegates to Congress.]*

### *Qualification for Parliamentary Committee*

9. No candidate shall be eligible for election on the General Council unless he is a delegate (as per Standing Order No. 3), and the society so represented must have contributed towards the payment of the

expenses of that Council, in accordance with Standing Order No. 4, during the year previous to his election.

No candidate shall be eligible for election on the General Council who has privately assisted, during the year preceding Congress, in the production of anything made by non-union labour or by such firms as may be declared unfair by the interested trade society, or who has continued to assist privately in the production of anything made by non-union labour or by such firms as may be declared unfair by the interested trade society, after such matters have been pointed out to him.

### *Election of General Council*

10. The General Council of Congress shall be composed of 32 members, representing 18 trade groups, as follows: Mining and quarrying, 3 representatives; railway, 3; transport (other than railways), 2; ship-building, 1; engineering, founding, and vehicle building, 3; iron and steel, enginemen, and minor metal trades, 2; building, woodworking, and furnishing, 2; printing and paper, 1; cotton, 2; textiles (other than cotton), 1; clothing, 1; leather, boot and shoe, and hatmaking, 1; glass, pottery, chemicals, food, drink, tobacco, brushmaking, and distribution, 1; agriculture, 1; public employees, 1; non-manual workers, 1; general workers, 4; women workers, 2.

That each union affiliated to Congress shall be allocated to its appropriate group by the General Council when appointed, subject to the right of appeal by the unions concerned, such appeals to be considered, and decisions thereon to be given, by an

Allocation Committee set up for the purpose which shall act pending the election of the General Council.

Each union shall have the right to nominate candidates to represent it in its group on the General Council.

The General Council shall be elected by the Trade Union Congress, the nominee or nominees in each group securing the highest number of votes to be elected.

In the event of the death or resignation of any member of the General Council, the candidate who secured the next highest number of votes in the same group shall be eligible to fill the vacancy.

The General Council, at its first meeting after each Congress, to sub-divide the Council into five groups or sub-committees, in general accordance with the following plan—Group A: Mining, 3; railways, 3; transport, 2-8. Group B: Shipbuilding, 1, engineering, 3; iron and steel, 2; building, 2-8. Group C: Cotton, 2; other textiles, 1; clothing, 1; leather, 1-5. Group D: Glass, pottery, distribution, etc., 1; agriculture, 1; general workers, 4-6. Group E: Printing, 1; public employees, 1; non-manual workers, 1; women workers, 2-5.

Canvassing and bartering of votes for any position or purpose shall be strictly forbidden. Any candidate on whose behalf such means are employed shall be held responsible, and upon it being proved to the satisfaction of the General Council, he shall be disqualified for election and his society debarred from representation on the General Council or any other position for three years. This notification to be printed at the foot of all ballot papers issued.

The ballot papers shall be issued by the Scrutineers, and after being filled up shall then be immediately

placed in the box without inspection by the delegates other than those of the society voting. Any delegate or delegates found guilty of violating this Standing Order shall at once be reported to Congress, named by the President, and expelled. Such delegate or delegates shall not be eligible to attend Congress again for three years.

*Duties of the General Council*

II. The General Council shall elect from among themselves a Chairman, Vice-Chairman, and Treasurer for the ensuing year.

Subject to the necessary safeguards to secure the complete autonomy of the unions and federations affiliated to Congress.

The General Council shall keep a watch on all industrial movements, and shall attempt, where possible, to co-ordinate industrial action.

It shall promote common action by the trade union movement on general questions, such as wages and hours of labour, and any matter of general concern that may arise between trade unions and employers or between the trade union movement and the Government, and shall have power to assist any union which is attacked on any vital question of trade union principle.

Where disputes arise, or threaten to arise, between trade unions it shall use its influence to promote a settlement.

It shall also enter into relations with the trade union and Labour movement on propaganda with a view to strengthening the industrial side of the movement, and for the attainment of any or all of the above objects.

It shall also enter into relations with the trade union and Labour movements in other countries with a view to promoting common action and international solidarity.

In the event of a legal point arising, which in the opinion of the General Council (after consultation with counsel) should be tested in the House of Lords in the general interest of trade unionism, the Council shall be empowered to levy the affiliated societies *pro rata* to provide the necessary expenses. Any society failing to pay the levy shall be reported to Congress.

In all Parliamentary constituencies where any Labour candidates are seeking election to the House of Commons, the General Council shall endorse and support such candidates, providing the following conditions are complied with :

1. That such candidates are in favour of the reforms that may be advocated by the Trades Union Congress.
2. That their candidature is endorsed by a *bona fide* trade union, the General Federation of Trade Unions, or the Labour Party.

In all Parliamentary elections where no Labour candidate is running, the General Council shall question candidates as to whether they are in favour of Government contracts being given only to those firms recognized as fair by the trade unions, and shall submit to them any other test questions that may be considered expedient at the time, such questions and the replies thereon to be given immediate publicity in the Press.



*Programme of Business*

12. Propositions for the Congress agenda must be signed by the secretary and chairman of the society sending them, and must reach the Secretary of the General Council at least twelve weeks before the time fixed for the meeting of Congress.

Such propositions shall be printed and sent to the official correspondents of recognized trade unions not less than eight weeks before the meeting of Congress. The order in which these subjects are to be discussed shall be decided by ballot conducted by the General Council.

A trade union shall not be allowed more than three resolutions, but in order that important Labour questions may not be omitted from the discussions at Congress, the General Council are empowered to place not more than three propositions on the Congress agenda.

The agenda compiled by the General Council shall be taken as the first business of Congress.

All amendments to the propositions submitted by the various trades must reach the Secretary of the General Council four weeks before the opening of Congress, such amendments to be signed by the president and secretary, and also bear the stamp of the society.

A complete agenda of the propositions and amendments shall be printed and sent, not less than fourteen days before the meeting of Congress, to the official correspondents of the trade unions who have sent delegates' fees in accordance with Standing Order No. 3.

*General Council's Report*

13. The Congress having been duly opened, the General Council shall present their report for the past year, which shall be laid on the table for discussion. The reports shall be discussed seriatim, and not as a whole. Each speaker to be limited to five minutes. The report shall contain a list of the General Council meetings, with dates, also the names of those members who were present at such meetings.

The Standing Orders of Congress and General Council shall be published with each annual report of the proceedings of Congress.

*Secretary Ex-Officio Member of Congress*

14. The Secretary shall be elected by Congress, and be ex-officio a member of the Congress and the General Council. Should a vacancy occur between the annual meetings of the Congress, the General Council shall have power to fill up the vacancy. The Secretary shall devote his whole time to the work (but this shall not prevent him being a candidate for or a member of Parliament), and he shall remain in office so long as his work and conduct give satisfaction to the General Council and the representatives attending Congress.

No future candidate for the office of Secretary shall be eligible unless he is prepared to sign the constitution of the Labour Party in the event of his becoming a candidate for a seat in Parliament.

*Nomination of Secretary and General Council*

15. All nominations for the office of Secretary and General Council shall be sent to the Secretary at least twelve weeks prior to the meeting of Congress, and the list of names shall be published on the agenda paper containing the propositions that are to be discussed at Congress. Individual ballot papers containing the names of each candidate shall be supplied to delegates on the day of election.

*Limitation of Speeches*

16. The mover of a proposition shall be allowed ten minutes, the seconder seven, and any or each succeeding speaker five minutes. A delegate shall not speak more than once on a question, except the mover of the original proposition, who shall have the right of reply.

All amendments to propositions must be taken in the order in which they are printed.

Should the President of the Congress consider there is no practical difference of opinion among the delegates he shall have power to stop the discussion and submit the proposition to Congress.

*Arrangements for Congress*

17. The General Council shall assist the local committee of the place where the next Congress is to be held, for the purpose of making the arrangements

as complete as possible, and shall have power to invite the following persons to attend the sittings of the Congress (subject to the approval of Congress), viz., deputations, Labour members of Parliament, members of the city or borough, the Mayor or Provost, and the members of the Corporation of the place in which the Congress is held.

The General Council shall meet during the week prior to the date of each Congress for the purpose of attending to these matters.

### *General Purposes Committee*

18 A General Purposes Committee of five members for the ensuing Congress shall be nominated and elected by ballot. If any member elected is not a delegate to the ensuing Congress, or a vacancy arises from any other cause, the highest unsuccessful candidate shall be called upon to fill the vacancy.

They shall appoint from their body a chairman and secretary. Their duties shall be :

- (a) To co-operate with the movers of propositions and amendments in order that composite propositions may be obtained wherever possible.
- (b) To have printed and circulated to the delegates copies of the composite propositions they have approved.
- (c) To submit to the President of Congress a programme of all propositions and amendments approved by them as being in accordance with Standing Orders, together with all suggestions for the proper conduct of the business of the Congress.
- (d) To report to the General Council any violation of

the Standing Orders that may be brought to their notice, together with any recommendation agreed upon.

### *Auditors*

19. Two auditors shall be elected by ballot, who shall have access to all the papers and documents relating to the income and expenditure of the General Council.

### *Accounts for the Year*

20. In order that affiliated societies may have an opportunity of perusing the financial statements prior to Congress assembling, the financial year shall close on July 31. The audit shall then take place, and printed balance sheets, duly certified by the Auditors, shall be sent with the complete agenda to the official correspondents of the trades not less than fourteen days before the meeting of Congress.

All surplus moneys after payment of the expenses of Congress shall be used for the general purposes of the General Council.

### *Dealing with Disputes*

21. Any society engaged in a dispute and considering themselves aggrieved by reason of the members of another society assisting to defeat those on strike, may report the circumstances to the General Council, who may then take such steps as the circumstances

may warrant, and should the charge be proved, the offending society shall be charged with all costs.

Should any society make a charge against another society, and after due investigation fail to prove the same, it shall bear the whole cost of the investigation, including the expenses incurred by the defendant society; and if in the opinion of the General Council the charge be a false one, wilfully and knowingly made, the society shall, in addition to bearing the expense, be liable to a fine not exceeding £20.

Should any society make a charge against another society, and the society against whom the charge is made refuses to have the same investigated, such society shall be deemed guilty, and be reported to Congress.

Any society refusing to pay the expenses of inquiry or fine as laid down by this Standing Order shall be reported to Congress.

### *Amendment of Standing Orders*

22. Should any amendment of the Standing Orders of the Congress be proposed by any society, such amendment must be forwarded to the General Council at least twelve weeks before the meeting of Congress.

In no case shall the Standing Orders be suspended unless agreed to by two-thirds of the delegates voting.

### *Delegates Leaving Congress*

23. No delegate shall leave Congress without the consent of the Vice-President, and delegates absent

one whole sitting without leave of absence shall be named by the President.

### *Foreign Delegation*

24. In the event of Congress deciding upon any foreign, American, or annual co-operative congress or other delegation, nominations for such delegation must be sent in to the Secretary not later than twelve weeks prior to the meeting of Congress.

### *Secretary's Salary*

25. The Secretary's salary shall be £500 per annum, and over and above this allowance the General Council shall provide reasonable remuneration on a trade union basis for his clerical assistant or assistants.

### *International Trade Union Bureau*

26. An annual contribution of £1 per 1,000 of the affiliated membership shall be payable towards the expense of maintaining the International Trade Union Bureau.

## CHAPTER VI

### MODERN METHODS

#### THE OLD IDEALS

THE methods which trade unions employ from time to time to achieve their objects must vary as those objects themselves change. The functions of a friendly society, dispensing benefits for sickness, accident or old age are amplified when the use of the strike as an industrial weapon comes into prominence. The recognition of the value of labour representation in Parliament necessitates the institution of a parliamentary fund. A belated belief that the common opinion of the modern worker is formed by newspapers results in the trade union seeking to secure among its objects the assistance of a Labour Press. Finally, a desire to co-operate in or conduct industrial ventures through the trade union itself produces the need for a complete reorganization of the whole trade union machine.

The House of Lords, in the historic *Osborne* case, laid down in their judicial capacity, the proper functions of a trade union; essentially, they held that it was a body, whose principal object was the regulation of the relations between employer and workmen, and, perhaps, the provision of benefits for members; and to this day a body which has not these objects as its principal objects is not entitled in law to be described as a trade union. (Trade Union Act, 1913, sec. 2.)

Although a trade union was given express permission



by the Act of 1913 to have any further lawful subsidiary objects which it chose, trade unions as a whole have been slow to extend the area of their responsibilities. It would be true rather to say that the recent European war has forced upon trade unions a number of obligations, which, once they had accepted, they were willing to shoulder, but which they were reluctant to assume of their own initiative.

It was the provident side of trade unions, says Mr. Howell, "which most helped, in years gone by, to reconcile the public and English statesmen, to proposals to free trade unions from legal restraint, and to accord them a rightful place among the recognized lawful institutions of the country." Among such benefits we may mention sickness benefit—a form of assistance for which the State, using the union as agent as an approved society, now takes a considerable share of responsibility under the National Insurance Acts; accident benefit, a relief confined, for the most part, to the more dangerous trades and of less importance than heretofore owing to the operation of the Workmen's Compensation Acts; out-of-work benefit—another form of assistance now largely financed by the State through the union under the Unemployment Insurance Act; superannuation benefit, affected of recent years by the Old Age Pension Acts; insurance for loss of tools; legal and funeral benefit; with these are to be contrasted industrial pecuniary benefits such as assistance during strikes and lockouts.

It will be seen from what has been said above that, slowly but surely, the State is stepping in to finance and, partly, to control those provident benefits which were the principal characteristic of the older trade unions. State pecuniary assistance produces an obliga-

tion to maintain separate funds for State benefits, and in this manner, the old ideal of the single fund for provident and industrial purposes is being broken down.

At the same time, it must be admitted, that the campaign of the "new" unionists of the nineties to persuade the unions to abandon their provident benefits altogether has failed at any rate so far as the unions then in existence are concerned; the provident side of a trade union may not be the most spectacular, but from the point of view of the old-fashioned member of a skilled union it still remains one of the principal reasons for his support of his union. Generally speaking, it is these wealthy old craft unions which still rely upon their provident contributions and benefits—the Amalgamated Engineering Union has a special rule that such benefits shall not be withdrawn, even by alteration of rule without the consent of forty per cent of the members—while the general labour unions, with very small contributions, tend to limit their benefits to direct industrial benefits and legal advice.

The miners and railwaymen pay little or no "friendly society" benefit; some of the civil service unions give practically no direct pecuniary benefit to members at all, and, therefore, to-day, on the whole, it is true to say either that the provident work is increasingly being performed by the State, or that it is not attempted at all.

Even so cautious an "old" trade unionist as Mr. Howell admits that the provision of friendly society benefits is not the fundamental object of a trade union. Writing at the time of the "New Unionism" controversy, he says, "If trade unions had really abandoned their primary purpose and become friendly societies and nothing more, there might have been

some reason for attacking them, but they have not." He goes on to show that, even in the nineties, strike benefit was larger in amount per week in most unions than any other form of assistance.

It will be found that whenever any new activity is proposed in the trade union world, there will arise many to oppose it ; thus the fears of Mr. Howell and his friends with regard to the increased insistence on industrial activity was followed by the opposition of Mr. Osborne to the eminently respectable method of political action. His views are stated in a work entitled " Sane Trade Unionism " (Collins). He approves apparently of the much maligned policy of " restriction of output " ; he instances with favour the case of plumbers being prohibited by their union from going to work on bicycles, lest the employers should employ cyclists only, as an example of " sane " trade unionism. Such action he calls " truly democratic." He further endorses the policy of admitting to membership only capable workmen, he even extols the laws which provide for better housing and sanitation, education and so forth, but, when the proposal is put forward that the workers themselves should take a share in framing this legislation, he has nothing but denunciation to utter.

He traces the machinations of the politically-minded Independent Labour Party in permeating the trade union branches in a manner which literature of the " hidden hand " type has since made us all so painfully familiar and definitely connects the rise of the Labour Party with the astute mob orator whose personal ends were best served by stirring up strife between class and class. (p. 77.)

In the event Mr. Osborne lent his name to the Law Reports and became immortal, but, as the result

of his historic case, the opinion of the unions had to be tested by ballot, with the result that the societies by an immense majority definitely declared in favour of the use of politics as one of their normal methods, nor can it be said though perhaps less enthusiastic than formerly, that they have ever retreated from that position.

Any description of trade unionism which discounts the present activity of the trade union as a political force to-day is lacking in reality. No sooner was war declared than the societies naturally took their place as semi-state organizations, competent to contract and make promises on behalf of the working classes as a whole.

#### RECENT DEVELOPMENTS

With the decay of the prestige of Parliament, we find to an increasing extent that legislative bargains are being driven directly between the Government, the employers' associations and the trade unions. The creation of the Ministry of Labour, a department of State which implicitly recognizes the stratification of society according to economic status, accentuated this tendency and facilitated it. Most of the temporary Acts dealing with industrial legislation now came to be settled between the Minister, the trade union and employers' federation officials, that is, settled in outline. The actual provisions of a particular munitions Act or wages Act were often decided by three lawyers, one representing the government, one the unions and one the employers. When they had agreed and the bill had been ratified by their respective organizations, the measure was normally

passed through Parliament without alteration or protest and so became law.

The use of these ultra-parliamentary expedients was also applied to the judiciary; special tribunals were set up on which trade union officials found direct representation together with an official or member of the employers' federation, and the ordinary courts were in danger of becoming excluded.

How far this device of special social organs to deal with industrial affairs is likely to become permanent is not easy to say. The unanimous refusal of the trade unions during the war to accept Ministerial schemes which would have had the effect of constituting a kind of permanent arbitration court, to which, if persons submitted their case, there would have attached a binding power, coupled with a prohibition to strike on the contested matter, checked the growth of this very dangerous form of official and bureaucratic control of the ordinary man's right to dispose of his labour as he wills.

As a result of this failure an innocuous but useless Court of Inquiry, without powers, was set up, but the Industrial Courts Act is only the shadow of the grandiose scheme which the trade unionists were wise enough to slay; and there are few people, either inside the Labour movement or out of it, who know how perilous and capital was the decision which the speedily convened conference of officials had to make as to whether they would accept this apparently innocent scheme of voluntary submission, which necessarily involved results of the most far-reaching kind on the future liberty of trade unions, and, what is far more important, of their members.

The withdrawal of Labour from the Coalition Government and the end of the war have practically

terminated the partnership between the Government and the trade unions, but an aftermath exists of their former co-operation, of a most unstable kind, in which the two parties seem to be in some doubt whether they are really friends or enemies.

Those who have observed the last great strikes in which the State, through its control of industry was involved, the railway strike of 1919 and the recent national coal strike must have been struck by the extraordinary fluctuations of opinion as to the character and motives of the trade union leaders which the Government daily notified to the Press. At one moment they are malignant, seditious and base; next day the same men are held up for our admiration as eminently reasonable, trustworthy and sane.

It is not easy to say whether this kind of utterance is merely a symptom of the general moral and intellectual anarchy which prevails to-day, or whether it is limited to and implicit in the present relation between Labour and the State.

Again we see how, on the one hand trade unions are recognized as accredited bodies fit to administer large grants of state money and how their leaders are called into consultation both locally and nationally on industrial and even wider social problems, while on the other hand we cannot resist the feeling that they are looked upon with suspicion by those departments of the State which are responsible for social order, to such an extent that a special official is entrusted with their surveillance, so that it is not an impossible thing for a trade unionist to find himself called into consultation by the Government in the morning and to have his speeches taken down by a policeman at a meeting the same night! Indeed, one prominent Labour Leader, a privy councillor, has

recently been compelled to complain to Parliament of this very indignity.

It cannot be denied that the governmental attitude towards the trade unionist does not differ very greatly from that which is assumed by the bulk of the middle classes. An air of patronage tempered by fear is the prevailing characteristic, and a tendency exists to treat the workers as an impersonal force which is curiously subject to "unrest" and other disquieting symptoms.

This materialistic manner of approaching industrial humanity is shown at its strongest when a strike of some service, deemed to be of national importance, is threatened or is in progress. In many countries such industrial action is definitely illegal, nor is this view by any means confined to the so-called "reactionaries"; it finds expression in Bolshevik Russia and in Collectivist Germany.

In this country, the extremely vague provisions of the recent Emergency Powers Act might have been construed to have given the Government a power to prohibit strikes in essential industries by regulation, had it not been for the adroitness of the Labour Party who succeeded in inserting into the Bill an express provision that nothing in the measure should give power to the Executive to frame regulations making illegal the calling or maintenance of a strike.

If the matter be viewed from the material standpoint, as most matters now appear to be, a case can be made out for refusing to allow a number of individuals to paralyse society by the refusal of their industrial services, but if the question be argued on a more mystical basis, it is clear that a man who is not free to give or withhold his labour as he wills is in fact in a state of serfdom, an unchristian

condition which will, in the long run, produce far worse results than the temporary stoppage of any industry however apparently essential.

However this may be, it is only fair to recognize that England is almost unique among the nations to-day in refusing to impose this particular form of slavery upon her less wealthy citizens. In this country, the police and Crown forces alone are restrained by law from withholding their labour; even civil servants are free to strike.

A sound instinct has always prevented the trade union movement from acquiescing in the seductive servility of compulsory arbitration. The trade unionist does not want to strike, he, far more than those who abuse him, realizes in a most poignant manner the seriousness of his act, but he does know, nor can any sophistry either within or without a Labour movement deceive him, that the preservation of the right to strike is a preservation of one, at any rate, of the characteristics of a free man.

Turning next to the actual machinery of the strike, we may take for our description of that weapon the one which is laid down in the Munitions Act of 1915, which is one of the only definitions of a strike to be found in the statute book, it is as follows —

“ The expression ‘ strike ’ means the cessation of work by a body of persons employed acting in combination, or a consented refusal under a common understanding, of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer, or any person or body of persons employed, or to aid other workmen in compelling their employer or any person or body of persons employed, or to aid other workmen in compelling their employer, or any



person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment."

The compulsion upon the employer there referred to is a power used only in the last resort. In nearly every industry the employers now recognize the trade union officials as competent to negotiate on behalf of their members, and this sensible attitude on their part has in itself eliminated a large area of possible dispute in former times. Thus as late as 1911 nearly half the workmen on strike that year, 327,588 out of 831,104 were "out" on questions of trade unionism.

Another early source of dispute which is fast disappearing is the "non-union" question; the increase of trade unionism, particularly since the war, has been so enormous that it is very probable that, in a short time, practically the whole of the working class will be absorbed into their respective unions and the position of the person who does not wish to join a trade union will become an impossible one; it may even be that his choice of union will also pass out of his hands altogether.

There still remains therefore as a subject of possible dispute all those questions of wages, hours and conditions, which are usually considered to be legitimate subjects for striking, together with the more debatable strikes for semi-political purposes, for a share in the control of industry, or for a more directly political purpose such as the prevention of a war.

During the late war, the seamen's union, went so far as to refuse to carry certain pacific Labour delegates, to whom they objected, to foreign countries, and this form of "direct action" was found to be unobjectionable by most of their middle class sympathizers.

It may be surmised that the popular approval of the political strike will generally depend upon the objects for which that strike is directed and not upon any academic question as its constitutional basis. Although the great majority of strikes are still concerned with purely industrial disputes it cannot be denied that the widening of outlook which is to be found almost universally among the working classes of Europe is finding expression in an increasing demand for the use of the weapon of the strike among other devices in matters of high politic and industrial concern. In this connexion, the threatened strike of railwaymen to force a government enquiry into the shooting of their colleagues in Ireland is most significant.

We have already had occasion to notice two instances in which the whole future of nations has been determined by the General Strike: the Bolshevik Revolution in Russia and the defeat of the Junkers under Dr. Kapp; and, although in this country, no such drastic use has so far been made of the strike, the recent attempt of the miners to persuade Congress to use it to compel the nationalization of the mining industry, the strike of the railway men in Ireland to prevent the handling of munitions, the institution of the Council of Action, with the implicit sanction of the strike behind it, to prevent or end war with Russia or misdeeds in Ireland show very clearly how wrong were the early Fabians and supporters of the Independent Labour Party when they predicted that the strike would rapidly become an obsolete weapon in the trade union armoury.

Wasteful and painful as the strike is to those who use it and are threatened by it alike, the reasons for its recurrent popularity are obvious to those who base

Their observation of history upon the soul of man and not on catalogues of figures and text books. The fundamental appeal of the strike lies in the fact that it makes an immediate and personal demand upon the moral nature of every individual trade unionist and thereby kindles in him a corresponding enthusiasm. The elaborate mechanism of governmental democracy, the delegation, the official and the executive, relax for the moment their heavy hand and the message is carried round to every workman, as it is to the recruited soldier in time of war, that on him personally depends the success or frustration of the venture. A spice of pleasant anxiety is provided in the uncertain operation of the laws of picketing. Dramatic scenes in local police courts, where pert lawyers intimidate bovine justices, relieve the monotony, and if the strike last but a few weeks the terrible privation which slowly but surely steals upon a class bereft of any economic resources in a protracted struggle is not acutely felt. Even where the strike in its most tragic aspect has been maintained for many months, as in the case of the last London Dock dispute, it cannot be said that, however unsuccessful, such a contest has ever broken the spirit of the men. It is the unreality of normal modern life, in which apathy grows like weed, which chokes the fighting spirit of the trade unionist; an over-weighted officialdom, sober and complacent administration of the type so extolled in the Victorian age, may produce a blind acceptance of the notion of progress without effort and a dearth of enthusiasm among the members; the excitement and martyrdom which are too often the concomitants of the strike may render a union bankrupt but yet keep fresh the spirit of its members.

This is not to say that the strike is anything but a

sad disaster and one must welcome the bargaining which nearly always precedes it. Now that employers as well as men are so often associated, we find that there has developed in nearly every industry an elaborate system of negotiation boards. The Industrial Court and its predecessor, the Interim Court of Arbitration during the war monopolized most of this work and promulgated very many awards which frequently had binding legal force. The statutory powers of the Industrial Court have now disappeared and there is a growing distaste shown by employers and trade unions alike to the State patronage and adjudication of industrial disputes.

The tendency of the Conciliation Board is to widen the area of their discussions in order to include all working conditions, though here again there is to be found a very considerable variety of practice. We have already commented on the earlier refusals of the railway directors to recognize the trade union officials but in fact since the conciliation scheme of 1916 the National Union of Railwaymen and the Associated Society of Locomotive Engine Drivers and Firemen have universally appeared for the men on these boards. The recent creation of the Ministry of Transport and the Mining Department of the Board of Trade have brought in the State as a permanent third party in those industries and this fact, together with the institution of permanent joint industrial councils, in other trades are continually increasing the functions of conciliation bodies and the use of voluntary negotiation in industrial disputes. (See Tables III and IV)

Just as "points of honour" between nations have failed often to be justiciable, so also it is in questions affecting personality, such as the discipline or victimi-

tion, that conciliation has proved most impotent. In the future it is highly probable that what are called working conditions will rarely give rise to strikes or lockouts, but it is hardly possible that the more revolutionary demands of the men for a share in the control of industry will be conceded without very serious industrial struggle. The Conciliation Board and the Whitley Council alike rest upon a tacit recognition of the wage system and the existing industrial order; if these are ever challenged it is improbable that conciliation expedients will be able to avert a clash of interests.

The strike, when called, is sometimes put into operation by the executive committee of their own motion and sometimes requires a ballot of the members, this depends upon the rules of particular union; so also, in the termination of strikes, there is much diversity of method. It would serve no useful purpose to discuss these matters in any detail, but it is interesting to note that, whatever ostensible machinery may exist for registering a popular opinion, in practice the officials who are responsible for the direction of policy can almost invariably end a strike, even if they cannot always call it. The railway strike of 1919 is an extraordinary example of discipline and efficiency in the conduct by the men of a great modern industrial contest. Almost at a day's notice, half a million railwaymen left their employment, blacklegging was almost unknown, there was no disorder, and violence was confined to wordy warfare in the newspapers, in which the Government did not consider it beneath their dignity to take a very active part. Inspired nonsense about anarchists and Bolshevism appeared in the Press and in a few small villages retired colonels and rusticated financiers organized committees of

"public welfare," whose principal function appears to have been to endeavour to induce middle class ladies to carry round the milk. Despite the declaration of the Prime Minister that he would not negotiate with the trade unions until the men had returned to work, unconditional negotiations took place while the strike was still in progress, and, when the strike was settled, the men returned to work as deliberately as they had left. Throughout the contest they preserved a dignity and calm which was strangely lacking among the so-called educated classes. The government and their Press endeavoured to save their faces by declaring that the "insurrection" had been crushed, but as a fact, no dispute ever redounded so much to the prestige of trade unionism. It remains to say that the "anarchists" in the persons of Mr. Thomas and Mr. Cramp were shortly afterwards invited to take their seats upon the Railway Executive which was then controlling those very railway directors who had refused to recognize them in 1911!

The national coal mines strike of 1920 was similarly organized and orderly, but by this time trade unionists had won so high a reputation for earnestness and responsibility that the earlier tactics of the Cabinet were scarcely attempted.

#### ECONOMIC ASPECTS

If the literature concerning trade unionism be studied it will be noticed that there has been a remarkable decline in the interest shown in the purely economic aspects of trade unionism. The Victorian socialists, Marxian and Fabian alike, devote much of

their ingenuity to these matters, and twenty years ago a revolutionary was scarcely deemed to be fit for his work if he had not mastered his Marx, his Jevons or his Marshall. If the painstaking and conscientious works of the Webbs or the more strident treatises of Hyndman be compared with the works of such modern writers as Cole, Orage or Penty, one of the principal differences of method will be found in the tacit abandonment of the purely economic argument. One may study a modern work on guild socialism without ever meeting the once sacred name of Ricardo, while the lugubrious prophecies of Malthus have now become the monopoly of Dean Inge.

Nevertheless, even if the early fathers of the Labour movement overstressed the economic argument—it will be remembered how much of Fabian Essays, for example, is based upon this theme—the present neglect of economic difficulties is equally unsatisfactory. Whatever may be the ultimate aim of trade unionism, the subject, in so far as it is principally concerned with man as a producer of wealth, cannot wholly dissociate itself from considerations of the nature of wealth, and therefore the views which economists have held from time to time on trade unionism are worthy of consideration.

The judgment of the early economists regarding trade unions was largely influenced by the current theory of the Wages Fund; according to this doctrine trade unionism was condemned, until the middle of the Victorian period, as being contrary to political economy, and, for this reason, that it was asserted that there was from the nature of the case only a certain limited fund at any particular time available for the payment of wages which could not be increased without destroying the source from which wages

flowed, namely capital. The sum to be divided among the workers was fixed, and the amount each worker could obtain would depend solely upon the number of them. (See the works of J. R. M'Culloch, 1823, and onwards, etc.). This view is still implicitly held by the more ignorant members of the middle class in this country and until quite recently obtained almost universally in the United States of America.

Any charge upon capital such as was sought to be imposed by wage increases or even factory legislation could only have the effect of diminishing wages as a whole—a most convenient and plausible doctrine for the satisfaction of the conscience of the Victorian employer. James Stirling goes so far as to describe the operation of the wages fund as “God’s Law” in his essay on the report to the Commissioners on Trade Unions, 1869. So also it was said that the prosperity of the working classes must lead to an increase in their numbers, and this in its turn would also deplete the fixed fund available for the workers. “Against these barriers,” wrote J. E. Cairnes as late as 1874, “trade unions must dash themselves in vain—they are the barriers set by Nature herself.”

We note that, after this time, the wages fund theory comes to be abandoned by the economists. Its essential proposition that the motive to accumulate diminishes with the lessening of profit was now disputed, and the more humane view that an increased prosperity of the working class would tend to produce better work and generally would enrich the credit of the nation and those who own its property, the capitalists, was substituted. The theory of distribution, with which the name of Professor Marshall is associated, treats the labour and capital of the country



as one, and supports the liberal theory of social amelioration which prevailed in England until quite recently.

It is impossible in this connexion to ignore the views of Karl Marx and the socialists, who, following Proudhon, regard capital as the confiscated fruits of labour. This school contend with varying force that the value of commodities is exclusively determined by the amount of labour placed therein. Marx's theories of surplus labour has had an enormous influence as, in his view, all interest and rent are simply labour appropriated by an idle owner who exacts such surplus as toll for permission given to the worker to work on the owner's land or in his factory.

That the revenues of landlords and shareholders are in no sense produced by them is so obvious that one wonders how it could ever have been believed to be otherwise, but it must be remembered that, in earlier times, the landlord and manufacturer were so personally connected with the administration of their property that it was very difficult to distinguish the profit which such a man drew from his monopoly from the earnings which he himself obtained through direct participation and labour in his own property. At the present time when the bulk of capital is held by absent shareholders, the absence of any useful economic function performed by them is far more obvious.

Despite the moderating opinions of liberal collectivists this Marxian outlook in this respect still remains the basis of socialist economics. According to J. A. Hobson, in his "Industrial System," the bourgeois argument of Liberal reformers that high wages are necessarily economic is unsound if pushed

too far; the possibility of cheap machine production by unskilled workers certainly presents a difficulty to the full acceptance of the argument. Hobson stigmatizes this apology for trade unionism as a "compromise view," and is more apt to regard the trade union movement as a naked struggle by Labour to secure an increased share of the surplus profits of industry. Apart from the fact that under a capitalist system he is of opinion that interest must be paid if credit is to be secured for any particular venture, his ultimate analysis of the nature of capitalist production does not really vary very greatly from that of Karl Marx.

In a sense the modern socialist is nearer to the defenders of the wages fund theory than are the Victorian Liberal apologists, for the trade unionist is more and more coming to the view that, so long as capital is in private hands, any increase of wages will be illusory in so far as it must necessarily lead to an exaltation of price, and perhaps the absence of interest shown to economic speculation by the modern Labour movement is due to the fact that they recognize that the whole system which capitalist economics assumes is inherently vicious.

An exceptionally illuminating thinker, Mr. Penty, declares that the slogan of the revolutionary that he must destroy capitalism is out of date. According to Mr. Penty capitalism is fast destroying itself and is already in an advanced stage of decay, so that the function of the modern trade unionist lies, not so much in destruction, as in the devising of industrial substitutes for the present anarchy. Mr. Penty may have confused the economic dislocation caused by the war with permanent lesions in the industrial structure, but the fact that governments are more and more

constrained to rely upon the trade unions to work the economic machine—the recent calling in of the leaders to cope with unemployment is an example of this—the obvious inability of the capitalist to maintain essential services such as the mines and railways—without financial support from the State is another—gives a very real significance to Mr. Penty's views.

A very vital question is now vexing trade unionism and society, the solution of which would need a great prophetic gift. Are the increases of wage won during the period of war to remain a permanent possession of the workers or not? For some time past reductions have been tentatively made, but the whole problem has been precipitated in an acute form by the withdrawal of the Government guarantee in the mines, and on 1 April, 1921 the employers refused to continue to pay the war rate. The men ceased to work, even the pumpmen were withdrawn, and in other industries preparation was made for a severe industrial struggle.

We have now concluded our short study of the trade union movement of England. When all is said and written, the fact remains that the only secular movement which has successfully challenged post-Reformation injustice has been the work of the uneducated manual labourer. A handful of the intellectual class may have rendered some assistance, but trade unionism on the whole has been true to itself and was and remains the outward expression of the ideals of the English workman.

Both through lack of ability to theorize and because of the unmystical temper of its builders, English trade unionism is through and through empirical. It is

built upon a few simple faiths and instincts and reason has had little formative influence in it. The great question of the future will be whether these fundamental but elementary graces will suffice in the times to come. Can the trade union movement produce out of itself sufficient discipline of mind and ardour of conviction to carry it to victory, or will it adopt the cynicism of its opponents and base its end merely on material achievement? He who runs may read in the times sufficient material to support either conjecture. The trade unionist is compelled to live in the same world of bewildered agnostic commonplace as other men. Does he conceal in his breast some such inspired notion as will mark him off in spirit as well as in expedient from the vulgarity around him, or will his triumph merely result in a more equitable perpetuation of the existing spiritual disorder?



TABLE III  
STRIKES AND LOCK-OUTS DURING THE  
PERIOD 1909-1918

Year	No of Strikes and Lock-Outs	Number of Work- people directly and indirectly involved.	Aggregate duration in Working Days
1909	436	300,819	2,773,986
1910	531	515,165	9,894,831
1911	903	961,980	10,319,591
1912	857	1,463,281	40,914,675
1913	1,497	688,925	11,630,732
1914	999	448,529	10,111,337
1915	706	452,571	3,038,234
1916	581	284,396	2,599,800
1917	688	860,727	5,963,900
1918	1,252	1,096,828	6,237,100

TABLE IV

SINGLE ARBITRATORS, *AD HOC* COURTS OF  
ARBITRATION, AND CERTAIN AGREEMENTS

The arbitrations include cases referred both under the Conciliation Act, 1896, and under the Munitions of War Acts.

Trade	1914	1915	1916	1917	1918	Total
Building and Allied Trades..	28	36	66	147	75	346
Mining, Quarrying, and Coke						
Oven Workers .. ..	3	9	34	55	42	143
Iron and Steel Manufacture	7	20	100	106	34	267
Engineering, Shipbuilding						
and Metals ..						
(a) Engineering ..	1	35	157	236	124	553
(b) Shipbuilding ..	1	29	82	135	54	301
(c) Other Metals ..	2	23	115	145	66	351
Textile .. ..	7	16	43	120	78	264
Boots and Shoes .. ..	11	14	29	10	15	79
Other Clothing .. ..	1	2	7	30	19	59
Transport .. ..	2	21	65	105	60	253
Printing and Allied Trades.	3	2	2	7	7	21
Woodworking and Furnish-						
ing Trades .. ..	4	16	31	84	42	177
Brick, Pottery, &c. ..	3	4	6	23	9	45
Glass .. ..	—	7	7	8	3	25
Chemical .. ..	—	3	47	111	30	191
Leather .. ..	2	4	7	18	35	66
Food, Drink and Tobacco	—	6	10	35	60	111
Public Utility Services ..	3	10	56	131	96	296
Other Trades .. ..	3	5	13	46	49	116
Total .. ..	81	256	877	1552	898	3664

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